

1                   BEFORE THE POLICE BOARD  
2                   OF THE CITY OF CHICAGO  
3       IN THE MATTER OF CHARGES                   )Case No:  
4       FILED AGAINST                                )17PB2940  
5       POLICE OFFICER BRANDON TERNAND.        )

6                               - SESSION III -

7                   CONTINUED REPORT OF THE VIDEOTAPED  
8       PROCEEDINGS had at the hearing in the  
9       above-entitled matter before Ms. Allison Wood,  
10      Hearing Officer, at 30 North LaSalle Street,  
11      Suite 1240, Chicago, Illinois, on May 18th,  
12      2018, at the hour of 10:30 a.m.

13                   - - - - -

14      APPEARANCES:

15           CITY OF CHICAGO  
16           DEPARTMENT OF LAW  
17           BY: MR. JAMES FIEWEGER and  
18               MS. SARA WHALEY  
19               Special Assistant Corporation Counsel  
20               30 North LaSalle Street  
21               Suite 1020  
22               Chicago, Illinois 60602,

23                               on behalf of the Superintendent;

24           MR. JAMES THOMPSON and  
            MR. TIMOTHY GRACE,

                              On behalf of Respondent;

            MR. MAX CAPRONI, Police Board Executive  
            Director.

            MR. BRANDON TERNAND, Respondent.

**CERTIFIED  
TRANSCRIPT**

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24

I N D E X

WITNESSES:	PAGE
KEVIN JOHNSON	
Direct Examination by Mr. Grace.....	399-408
MATTHEW BENIGNO	
Direct Examination by Mr. Grace.....	408-419
Cross-Examination by Mr. Fieweger....	419-422
Redirect Examination by Mr. Grace....	422-426
Recross-Examination by Mr. Fieweger..	426-426
Redirect Examination by Mr. Fieweger.	426-426
BRANDON TERNAND	
Direct Examination by Mr. Thompson...	427-470
Cross-Examination by Mr. Fieweger....	470-478

- - - - -

E X H I B I T S

SUPERINTENDENT EXHIBIT	ID	EVD
Nos. 1 through 10.....		398

1           HEARING OFFICER WOOD: Good morning. We're  
2   here today for the matter of charges filed  
3   against Police Officer Brandon Ternand, case  
4   number is 17 BP 2940. My name is Allison Wood,  
5   the hearing officer. I'm going to ask everyone  
6   to identify themselves for the record, starting  
7   with the Superintendent.

8           MR. FIEWEGER: Jim Fieweger for the  
9   Superintendent.

10          MS. WHALEY: Sara Whaley, W-H-A-L-E-Y, for  
11   the Superintendent.

12          MR. GRACE: Good morning. My name is Tim  
13   Grace, G-R-A-C-E, on behalf of the Respondent.  
14   And my law partner Jim Thompson, T-H-O-M-P-S-O-N,  
15   will be joining us shortly.

16          HEARING OFFICER WOOD: And Respondent is  
17   here?

18          MR. TERNAND: Brandon Ternand. Last name  
19   T-E-R-N-A-N-D.

20          HEARING OFFICER WOOD: Thank you. Are you  
21   ready to proceed?

22          MR. GRACE: We are, Judge.

23          MR. FIEWEGER: Actually, before we proceed,  
24   I think it makes sense for us to move our

1 exhibits in and then the Superintendent will  
2 rest.

3 HEARING OFFICER WOOD: Okay. So Exhibits 1  
4 through 10 will be admitted into evidence. Did  
5 you want to say on the record that you swapped  
6 out Exhibit 4?

7 MR. FIEWEGER: Yes, why don't I go through  
8 on the record and briefly describe each one.  
9 Exhibit No. 1, a reproduction of overhead image  
10 of the area at issue in the case, and it was  
11 taken from Google Maps.

12 Exhibit No. 2 is a diagram showing  
13 the neighborhood and the path of the chase at  
14 issue.

15 Exhibit 3 is a group of  
16 photographs that were taken immediately following  
17 the event as part of the investigation.

18 Exhibit 4 is now going to be a  
19 copy of the general order then in place governing  
20 deadly force. I'd note for the record earlier  
21 during the proceedings I had marked another  
22 document as Exhibit 4, which we were going to use  
23 for impeachment. Did not use for impeachment at  
24 that time. We withdraw that as Exhibit 4, and

1 Exhibit 4 is now the general order regarding  
2 deadly force.

3 Exhibit 5 is a photograph of the  
4 backyard where Brandon -- where Dakota Bright was  
5 located when he was shot.

6 Exhibit 6 is a photograph of the  
7 backyard immediately south of the yard where  
8 Dakota Bright was located.

9 Exhibit 7 is a copy of the Cook  
10 County Medical Examiner's postmortem examination  
11 report regarding Dakota Bright.

12 Exhibit 8 is a copy of the  
13 Illinois State Police forensic report regarding  
14 the firing of Officer Ternand's weapon.

15 Exhibit 9 is an event query report  
16 listing radio communications on the afternoon of  
17 the incident.

18 This is the document that was  
19 previously marked as Exhibit 4. This is now  
20 being tendered as Exhibit No. 9.

21 And Exhibit No. 10 are transcripts  
22 of the OEMC transmissions.

23 At the beginning of that document  
24 was a transcript of the 911 call that Sharice

1 Jackson made. And based on this court's ruling,  
2 we redacted that portion of the transcript out.

3 HEARING OFFICER WOOD: Thank you.

4 MR. FIEWEGER: So we move Exhibits 1  
5 through 10 into evidence.

6 HEARING OFFICER WOOD: Any objection?

7 MR. GRACE: No, ma'am.

8 HEARING OFFICER WOOD: Exhibits 1 through  
9 10 for Superintendent will be admitted.  
10 Superintendent now rests?

11 (WHEREUPON,  
12 Superintendent Exhibit  
13 Nos. 1 through 10 were  
14 admitted into evidence.)

15 MR. FIEWEGER: Yes.

16 HEARING OFFICER WOOD: Thank you.

17 MR. GRACE: We would like to call  
18 Commander Johnson. I'll go get him.

19 (Witness was duly  
20 sworn.)

21 COMMANDER KEVIN JOHNSON,  
22 called as a witness herein, after having been  
23 first duly sworn, was examined and testified as  
24 follows:

1 HEARING OFFICER WOOD: You may proceed.

2 MR. GRACE: Thank you.

3 DIRECT EXAMINATION

4 BY MR. GRACE:

5 Q. Sir, please state your name and spell  
6 it for the record.

7 A. Commander Kevin Johnson.

8 J-O-H-N-S-O-N.

9 Q. And where are you employed, sir?

10 A. I'm employed by the City of Chicago,  
11 Chicago Police Department.

12 Q. And what is your current position with  
13 the Chicago Police Department?

14 A. District commander, 11th District,  
15 bureau patrol.

16 Q. What is your date of appointment?

17 A. 27, February, 1991.

18 Q. So you appear -- I can't believe I  
19 locked myself in a math question again. You  
20 appear to be on the Department for 26 years?

21 A. 27 years.

22 Q. 27 years. Could you please describe  
23 your assignments in the -- as a Chicago police  
24 officer?

1           A.     I came on the job in 1991 out of the  
2 academy. I was assigned to the Englewood  
3 district, which is the 7th District. I worked  
4 there as a police officer and tactical officer.

5                     In 1998 I was promoted to the  
6 rank of sergeant. I was assigned to the 15th  
7 District Austin. I worked there as neighbor  
8 relations sergeant, tactical sergeant, gang  
9 sergeant.

10                    From there I was assigned as  
11 sergeant for the project Safe Neighborhoods Gun  
12 Team. From that assignment, I was assigned to  
13 ATF/DEA task force working with CPD and DEA  
14 joint task force as a supervisor. From there I  
15 was in the narcotics section as a narcotics  
16 sergeant, and also worked with the ATF with the  
17 cage team in organized crime. And from 2012 I  
18 was promoted to the rank of lieutenant. I was  
19 assigned to the 3rd District, worked as watch  
20 commander, field lieutenant, and tactical  
21 lieutenant in the 3rd District from September  
22 1st, 2012.

23                    And in 2015, I was promoted to  
24 the rank of commander, and I was assigned to



1 the 5th District Calumet.

2 And in 2016 I was reassigned to  
3 the 11th District where I currently serve.

4 Q. Do you have any training, specific  
5 training, specifically with the FBI?

6 A. Yes. I'm a 2014 graduate of the FBI  
7 National Academy.

8 Q. You've had a broad career touching on  
9 many areas of the Chicago Police Department; is  
10 that correct?

11 A. That is correct.

12 Q. Do you like being a police officer?

13 A. I love it.

14 Q. How is it that you know Officer  
15 Brandon Ternand?

16 A. When I was assigned to the 3rd  
17 District in 2012, Officer Ternand worked for me  
18 on my tactical team.

19 Q. Let me ask you a question. You know  
20 the date of the incident on this is 8,  
21 November, 2012. Was he assigned to you then?

22 A. No.

23 Q. Where were you at that point in your  
24 career?

1           A.    I was still over north.

2           Q.    How long have you -- would you say  
3   that you supervised Brandon for in your career?

4           A.    I've supervised him since -- basically  
5   since 2012 up until recent days. He worked for  
6   me in the 3rd District, one of my tactical  
7   officers. When I was promoted to commander in  
8   the 5th District, I asked Brandon to come over  
9   and work with me in the 5th District. When I  
10   was reassigned to the 11th District, I asked  
11   Brandon again to come work with me in the 11th  
12   District.

13          Q.    Is it common for you to -- I don't  
14   want to use the word cherry pick, but request  
15   that an officer follow you as you ascend the  
16   ranks of the Chicago Police Department?

17          A.    It's not that common. It's kind of  
18   unusual. Because Brandon is kind of a unique  
19   police officer in the fact that he has a  
20   certain skill-set in terms of dealing with  
21   crime, gangs, his knowledge of the gang,  
22   membership, gun detection, working with teams  
23   and everything. He has a unique skill-set that  
24   he brings to the table.

1           Q.    Did you trust Brandon as a police  
2 officer?

3           A.    Implicitly.

4           Q.    Does he work well on a team?

5           A.    He is like an anchor of a team.  I  
6 mean not all supervisors or leaders wear white  
7 shirts.  Sometimes you have leaders on a team  
8 who are -- you know, that anchor the team where  
9 everybody rallies around them.  They trust him.  
10 His decisions are the best ones.  And they all  
11 work together.  So he's kind of a leader of  
12 whatever team he works on, where the other  
13 officers gravitate to him and the supervisors  
14 allow him.  I've seen several supervisors allow  
15 Brandon's knowledge and skill-set to get the  
16 job done.

17          Q.    So when you break down the Chicago  
18 Police Department, you get to tact teams and  
19 beat officers.  It appears that your opinion is  
20 you don't have to have rank to be a leader;  
21 would you agree with that?

22          A.    Yes.

23          Q.    Now, you got on the job in 1991 you  
24 testified to, correct?

1           A.     Correct.

2           Q.     And you've been a sergeant or  
3 supervisor since 1998.

4                     Within your time of being a  
5 supervisor in 1998, how many officers would you  
6 say that you had supervised? I know it's an  
7 ridiculous question, Commander, but give us a  
8 best bet.

9           A.     Say over a thousand. I would count  
10 the commands and different teams and everything  
11 else, I'd say a thousand.

12          Q.     And obviously you've worked with many  
13 officers from the period of 1991 to 1998. How  
14 many officers would you say you've encountered  
15 during that time period?

16          A.     Even more.

17          Q.     Okay. Where would you rank Brandon  
18 with respect to being a Chicago police officer?

19          A.     Within the top ten without hesitation.

20          Q.     So you're saying to us here that you  
21 appeared to encounter or supervise in excess of  
22 2000 different Chicago police officers, and you  
23 think he is one of the top ten you've ever  
24 encountered?

1           A.    Yes.

2           Q.    Let's be honest.  You appear to have a  
3   little bit of affection towards him.  Do you  
4   know him personally?

5           A.    Yes.

6           Q.    What do you think about him  
7   personally?

8           A.    Personally, he's a very solid  
9   individual.  Family man.  Always talking about  
10   his family and his kids.  I mean very solid,  
11   family-oriented person.  All of his team  
12   members love and appreciate him.  He works well  
13   with others.  And he's a very upstanding,  
14   honest individual.

15          Q.    Do you find him to be an asset to the  
16   Chicago Police Department, or do you find him  
17   to be a detriment to the Chicago Police  
18   Department?

19          A.    I find him to be a true asset to the  
20   Chicago Police Department.  His skill-set, his  
21   drive to work, his work ethic is impeccable.

22          Q.    Do you have an opinion with respect to  
23   his reputation for truthfulness and honesty?  
24   And you can expound on the fact of whether or

1 not you ever questioned his truthfulness or  
2 honesty.

3 A. I never questioned his truthfulness  
4 and honesty. In part of what he does when he  
5 is out there working, even -- he'll tell the  
6 truth even when people don't want to hear the  
7 truth. The team members, Well, this. He says,  
8 No, this is what's really going on. Even gives  
9 the truth even when it doesn't please  
10 everybody.

11 Q. And that's a rare attribute, not  
12 necessarily in the Chicago Police Department,  
13 but in this world?

14 A. People, yes.

15 MR. GRACE: Thank you. I appreciate you  
16 taking time off your busy day and coming here.

17 THE WITNESS: Can I add one thing as well?  
18 I've also submitted Brandon for consideration for  
19 meritorious promotion to the rank of detective.  
20 And I've also submitted him prior for  
21 reassignment to the gang investigation section  
22 and narcotics section, because I feel like his  
23 type of work is necessary to the Chicago Police  
24 Department and the citizens of Chicago. And the

1 fact that his career moving forward, his  
2 skill-set needs to be out there and helping  
3 others.

4 BY MR. GRACE:

5 Q. Are you going to try to bring him over  
6 to 11?

7 A. I'd bring him back tomorrow if I  
8 could.

9 MR. GRACE: Thank you, Commander. This  
10 gentleman may ask you some questions.

11 MR. FIEWEGER: You can go. I have no  
12 questions.

13 HEARING OFFICER WOOD: Take your mic off.

14 (Witness Excused.)

15 (Witness was duly  
16 sworn.)

17 MATTHEW BENIGNO,  
18 called as a witness herein, after having been  
19 first duly sworn, was examined and testified as  
20 follows:

21 THE WITNESS: I do.

22 DIRECT EXAMINATION

23 HEARING OFFICER WOOD: You may proceed.

24 MR. GRACE: Thanks, Judge.

1 DIRECT EXAMINATION

2 BY MR. GRACE:

3 Q. Sir, in a clear loud voice, could you  
4 please state your name and spell it for the  
5 record.

6 A. Detective Matthew Benigno.

7 B-E-N-I-G-N-O. Star number 20807.

8 Q. And where are you employed?

9 A. Area central violent crimes.

10 Q. And as a member of the Chicago Police  
11 Department?

12 A. Yes, sir.

13 Q. What is your date of appointment?

14 A. March 25th, 2002.

15 Q. You indicated you worked in the area  
16 central violent crimes. How long have you been  
17 assigned to the detective division of the CPD?

18 A. 12 years.

19 Q. I'm going to take you back to 8,  
20 November, 2012. Do you recall that day?

21 A. I do.

22 Q. Were you on duty?

23 A. Yes.

24 Q. What specific area were you assigned



1 to?

2 A. I was assigned to a murder team.

3 Q. Out of area central, correct?

4 A. Yes.

5 Q. Were you assigned to investigate the  
6 police shooting of a Dakota Bright?

7 A. I was.

8 Q. How were you assigned to that? How  
9 did you get to be involved in that?

10 A. Actually, I was the first one at work  
11 that day on our team, and the incident had just  
12 taken place, so my sergeant, Sergeant Michael  
13 Kelly, assigned me.

14 Q. So it was through the regular chain of  
15 command, right?

16 A. That's correct.

17 Q. You didn't volunteer for this one?

18 A. No.

19 Q. Prior to the shooting, did you know  
20 Officer Ternand?

21 A. Um, I did actually.

22 Q. Did you know him personally?

23 A. No.

24 Q. Or did you know of him?

1 A. Knew of him.

2 Q. Did you know Dakota Bright?

3 A. No.

4 Q. Now, you learned that the shooting  
5 took place at the location -- in the rear yard  
6 of 6727 South Indiana?

7 A. That's correct.

8 Q. Did you go to that location?

9 A. I did.

10 Q. Now, what happened when you got on  
11 scene?

12 A. When I arrived on scene, I met with my  
13 supervisor, Sergeant Kelly, and he briefed me  
14 on what had transpired, and then I conducted an  
15 interview with Officer Ternand.

16 Q. Now, if you could direct your  
17 attention to the board that's behind you on the  
18 right. I'd specifically like you to look to  
19 Exhibit No. 29. Do you see that, Detective?

20 A. Yes, sir.

21 Q. What is that a picture of?

22 A. That's a picture of the offender,  
23 Dakota Bright.

24 Q. Now, did you make any observations

1 with respect to his pants?

2 A. Yes. Loose and below his buttocks.

3 Q. And you also observed in that picture  
4 that he has a belt on; is that correct?

5 A. That's correct.

6 Q. Okay. Detective, I'm going to turn  
7 your attention to -- did you learn the basic  
8 mechanics of how this shooting occurred when  
9 you got on scene?

10 A. Yes.

11 Q. You learned that there was a foot  
12 chase, right?

13 A. That's correct.

14 Q. Did you ever have the opportunity to  
15 follow that -- the path of that foot chase as  
16 it was given to you?

17 A. Yes.

18 Q. Did you recover or identify, I guess  
19 is a better word, anything of value during  
20 that -- part of the investigation?

21 A. Yes.

22 Q. And what was that?

23 A. A firearm and a Samsung cellular  
24 phone.

1           Q.    Okay.  Do you recall specifically  
2   where the Samsung cellular telephone was  
3   recovered?

4           A.    It was recovered in the backyard of  
5   6725, I believe, which was the yard just south  
6   of where Officer Ternand discharged his  
7   firearm.

8           MR. GRACE:  Judge, I'm going to approach to  
9   change the boards.

10          HEARING OFFICER WOOD:  Okay.

11          BY MR. GRACE:

12          Q.    I'm going to ask you to look at what  
13   has been previously marked as Respondent  
14   Exhibit No. 42.  Do you see that?

15          A.    Yes, sir.

16          Q.    Is that the lo -- what is that  
17   location you are looking at?

18          A.    That's the yard just south of where  
19   Officer Ternand discharged his firearm, and the  
20   yard in which the cellular telephone was lying.

21          Q.    What's an evidence marker?

22          A.    Evidence marker is a marker that you  
23   place to identify evidence that's going to be  
24   eventually recovered by a forensic

1 investigator.

2 Q. Why would one use an evidence marker?

3 A. Simply to identify where the  
4 evidence -- location of the evidence is.

5 Q. In Exhibit No. 42, is there an  
6 evidence marker there?

7 A. It looks like there is, yes.

8 Q. If you need to look to Respondent  
9 Exhibit No. 43, does that assist you in  
10 locating that evidence marker?

11 A. Yes.

12 Q. If you could, I'm going to tender you  
13 a pen, and could you circle in Respondent  
14 Exhibit No. 42 where that evidence marker is?

15 A. Yes.

16 Q. Be careful with the --

17 HEARING OFFICER WOOD: The mic.

18 BY MR. GRACE:

19 Q. And that evidence marker, obviously  
20 not to be redundant, is to -- is identifying  
21 what?

22 A. The place -- the location of the  
23 Samsung cellular telephone.

24 HEARING OFFICER WOOD: I'm sorry to

1 interrupt. Can you tell me again what address  
2 that is?

3 THE WITNESS: 6725 South Indiana.

4 HEARING OFFICER WOOD: Thank you.

5 BY MR. GRACE:

6 Q. Now, this phone, did you have the  
7 opportunity to look at it?

8 A. Yes.

9 Q. Were you able to identify the brand?

10 A. Yes.

11 Q. Were you able to identify the cellular  
12 company that provided service on that phone?

13 A. Yes.

14 Q. When you observed the phone, was  
15 it -- sorry.

16 HEARING OFFICER WOOD: Your mic.

17 MR. GRACE: The mic.

18 BY MR. GRACE:

19 Q. When you observed the phone, was it  
20 covered by leaves or debris or anything like  
21 that?

22 A. No.

23 Q. Did it appear to be like embedded in  
24 the ground or anything like that?

1           A.    No.

2           Q.    Did it appear to you that anybody had  
3 taken any steps to hide or conceal its  
4 location?

5           A.    No.

6           Q.    Now, at some point did you actually  
7 take physical custody of the phone?

8           A.    Yes, after it was documented by the  
9 forensic investigator, it was handed over to  
10 me.

11          Q.    Tell me about the exterior of the  
12 phone. What condition was it in?

13          A.    It was in really good condition.

14          Q.    Were you able to recall if there was  
15 any like obvious scratches or dents or paint  
16 chipping or anything like that?

17          A.    No, it looked pretty clean.

18          Q.    Now, this phone, did it -- I mean what  
19 was it like? Did it have like a touchscreen?  
20 Was it like a -- was it like Jim's flip-up  
21 phone from 1998, right? It was a modern phone?

22          A.    Yes, modern touchscreen phone.

23          Q.    And did you attempt to at any point  
24 power the phone up?

1 A. Yes.

2 Q. Did it power up?

3 A. Yes.

4 Q. So I mean I know you're not a Sprint  
5 technician, but the phone appeared to have  
6 adequate battery life?

7 A. Yes.

8 Q. Now, once you were able to power up  
9 the phone, could you assess whether or not you  
10 could access the information inside the phone?

11 A. Once we powered the phone on, we  
12 attempted to access the information inside to  
13 see who the phone belonged to, but we were  
14 unable to because it was password protected.

15 Q. So, in your opinion, the phone hadn't  
16 been like degraded by the elements?

17 A. Not at all.

18 Q. It wasn't corroded or deteriorated by  
19 exposure to water, snow or mud or anything like  
20 that?

21 A. No.

22 Q. In your opinion, had the phone been  
23 there a long time?

24 A. No, it was our opinion that it



1 belonged to the offender.

2 MR. FIEWEGER: Objection. Move to strike  
3 the second portion as nonresponsive.

4 HEARING OFFICER WOOD: Sustained.

5 BY MR. GRACE:

6 Q. Now, you could not determine -- sorry.  
7 We already asked that.

8 Are you aware whether or not the  
9 Superintendent, the City, ever attempted to  
10 make a forensic examination of the phone to  
11 determine ownership, subscriber information, et  
12 cetera?

13 A. I'm sorry. Can you repeat that  
14 question?

15 Q. Are you aware of whether or not the  
16 Superintendent, the City, took steps to  
17 identify the ownership of that phone or  
18 subscriber information, et cetera?

19 A. We attempted to, but other than us,  
20 no.

21 Q. Okay. Was that ever determined?

22 A. No.

23 Q. Okay.

24 MR. GRACE: I'm going to approach one last

1 time, Judge.

2 HEARING OFFICER WOOD: Yes.

3 MR. GRACE: Can I have one moment, your  
4 Honor?

5 (Brief pause.)

6 BY MR. GRACE:

7 Q. Drawing your attention to what's been  
8 marked as Exhibits Nos. 43, 44, 45 and 46.  
9 What are you looking at?

10 A. The Samsung cellular telephone that  
11 was recovered.

12 Q. Okay. And is that the -- the same or  
13 similar condition as it was back on 8,  
14 November, 2012?

15 A. Yes.

16 Q. Now, were you able to within your  
17 investigation locate any video?

18 A. Yes.

19 Q. And what were you able to locate?

20 A. It was a security footage taken  
21 from -- I believe the address was 205 East  
22 Marquette.

23 Q. And what, if anything, did that video  
24 depict?

1           A.     It showed a woman -- a resident  
2     walking to the building, and behind her it --  
3     observed was a the offender Bright running  
4     eastbound on Marquette. And then moments after  
5     observed his -- Officer Ternand and Officer  
6     Razo's unmarked police vehicle followed suit.

7           Q.     And one more picture for you.  
8     Detective, I'm going to draw your attention to  
9     Respondent's Exhibit No. 35. Would that be the  
10    approximate location of that video that you  
11    were able to recover on this matter?

12          A.     Yes.

13          MR. GRACE: That's it. Thanks. This  
14    gentleman is going to ask you some questions.

15          HEARING OFFICER WOOD: Thank you. Cross?

16          MR. FIEWEGER: Yes. Thank you.

17                   CROSS-EXAMINATION

18    BY MR. FIEWEGER:

19          Q.     Detective, just a couple of quick  
20    questions here. I think you testified  
21    that -- if you take a look at Exhibit 42, I  
22    think you testified that that depicted the  
23    backyard of 6725 South Indiana?

24          A.     That's correct.

1 Q. And that tree that's visible in that  
2 picture, is it your understanding that that's  
3 located in the yard where Officer Ternand was  
4 when he fired the shot?

5 A. Yes.

6 Q. I want to see if I can clarify  
7 something. I think it's not 6725. Let me hand  
8 you what's been marked as Exhibit 2, which is a  
9 diagram that shows the path of the chase, and  
10 you can see on that diagram that that tree and  
11 that barbecue that are evident in Exhibit No.  
12 42 are indicated to be in the backyard,  
13 correct?

14 A. Yes.

15 Q. Can you state for the record which  
16 backyard those are located in on that diagram?

17 A. On this diagram?

18 Q. Yes.

19 A. It would show the phone was in the  
20 backyard of 6721.

21 Q. And so the tree and the barbecue were  
22 in the backyard of 6719?

23 A. Yes.

24 Q. Now the residence 6721, that's the

1 backyard of a residence, correct?

2 A. Yes.

3 Q. And you interviewed a number of people  
4 on the scene when you went there to conduct  
5 your investigation, correct?

6 A. Yes.

7 Q. You prepared reports regarding every  
8 interview that you conducted, correct?

9 A. Yes.

10 Q. You never interviewed anybody who  
11 lived in the residence at 6721 South Indiana,  
12 did you?

13 A. Not that I recall.

14 Q. And nobody else interviewed anybody at  
15 the residence of 6721 South Indiana?

16 A. A canvass was conducted. I'm not sure  
17 if anyone answered the door or if someone was  
18 interviewed at that location. I'd have to look  
19 at my report.

20 Q. Let me quickly put back up and show  
21 you -- take a look at Exhibit No. 44. Does  
22 that show the Samsung phone in the state when  
23 it was identified during your investigation?

24 A. Yes.

1           Q.     So it's partially obscured by what  
2     looks like leaves and grass, correct?

3           A.     In the photograph, yes.   But I recall  
4     when we were on scene, it didn't appear that  
5     way.

6           Q.     But nobody moved that thing before the  
7     photograph was taken, correct?

8           A.     No.

9           Q.     So it's partially obscured, but it's  
10    readily visible in that picture, correct?

11          A.     Yes.

12          MR. FIEWEGER:   That's all I have.

13          HEARING OFFICER WOOD:   Any redirect?

14          MR. GRACE:    Just a couple of questions.

15                         REDIRECT EXAMINATION

16    BY MR. GRACE:

17          Q.     Detective, when a piece of evidence is  
18     recovered by a Chicago Police Department,  
19     either an evidence tech or officer, what  
20     happens paperwork-wise?

21          MR. FIEWEGER:   Objection.   Beyond the  
22     scope.

23          HEARING OFFICER WOOD:   Can you read that  
24     question back?

1 (Said question was read  
2 back.)

3 HEARING OFFICER WOOD: It is beyond the  
4 scope.

5 MR. GRACE: Judge, I think that counsel  
6 properly went into questioning the ownership of  
7 the phone in a sense that how long it had been  
8 there, and they are going to argue that there's  
9 no connection to the phone and Dakota Bright.

10 I think right now I can rebut that  
11 with just a couple of quick questions about phone  
12 ownership.

13 HEARING OFFICER WOOD: Questions about  
14 phone ownership?

15 MR. GRACE: Right, so the --

16 HEARING OFFICER WOOD: But they didn't make  
17 that argument. He established questions about  
18 the phone, but not about the ownership.

19 MR. GRACE: Well, I'm sure what he is  
20 going to argue, because he is a bright attorney,  
21 that the phone is obscured.

22 HEARING OFFICER WOOD: But he didn't ask  
23 those questions in his cross. He only asked  
24 about the phone in the condition as it was found.

1           MR. GRACE: Right. So logical argument  
2 would be that the phone was covered by debris.  
3 The phone had been there a long time. How can  
4 you possibly claim that this phone is Dakota  
5 Bright's.

6           HEARING OFFICER WOOD: You are jumping a  
7 lot of steps, but it still goes beyond his cross.

8           MR. FIEWEGER: The reason I object is I did  
9 not go into the processing of this evidence.  
10 Counsel had every opportunity to do that on his  
11 direct. He passed on it.

12          HEARING OFFICER WOOD: He did not. So your  
13 question is beyond the scope of his cross.

14          MR. GRACE: Okay. I agree with him on the  
15 process. He did not go into the processing of  
16 the evidence and how evidence is collected.  
17 Without waiving that objection -- without waiving  
18 that point, I agree to move on.

19          HEARING OFFICER WOOD: Thank you.

20   BY MR. GRACE:

21           Q. The phone was located in the backyard  
22 of 6721 South Indiana, correct?

23           A. Correct.

24           Q. And the evidence tech recovered the



1 phone from that grassy area as -- at that  
2 debris area as depicted in Exhibit No. 44,  
3 correct?

4 A. Correct.

5 Q. And then the phone was inventoried; is  
6 that correct?

7 A. Yes.

8 Q. On the inventory sheet, did they  
9 identify an owner of the phone?

10 MR. FIEWEGER: Objection. Beyond the  
11 scope.

12 HEARING OFFICER WOOD: It is. Sustained.

13 BY MR. GRACE:

14 Q. Due to the fact that the phone was  
15 partially obscured in picture 44, did that  
16 change your opinion with respect to ownership  
17 of the phone?

18 A. No.

19 Q. And what was that ultimate opinion?

20 A. We believed it was the offender Dakota  
21 Bright's.

22 MR. GRACE: Nothing further.

23 HEARING OFFICER WOOD: Anything further?

24

1                                RECROSS-EXAMINATION

2        BY MR. FIEWEGER:

3                Q.     Dakota Bright didn't tell you it was  
4        his phone, did he?

5                A.     No.

6                Q.     Nobody who lived at 6721 told you it  
7        was Dakota Bright's phone?

8                A.     No.

9                Q.     Nobody who lived next-door to either  
10       one of those houses told you it was Dakota  
11       Bright's phone?

12               A.     No.

13               Q.     Nobody told you it was Dakota Bright's  
14       phone, you just reached that conclusion?

15               A.     That was our assumption.

16               MR. FIEWEGER:    Thanks.

17                               REDIRECT EXAMINATION

18        BY MR. GRACE:

19               Q.     And you know when you prepare a report  
20       in the Chicago Police Department, that's  
21       something that's relied upon by investigators,  
22       attorneys, State's Attorneys, judges, correct?

23               MR. FIEWEGER:    Objection.    Beyond the  
24       scope.

1 HEARING OFFICER WOOD: Sustained.

2 MR. GRACE: Fair enough.

3 HEARING OFFICER WOOD: That's all?

4 MR. GRACE: That's it, Judge.

5 HEARING OFFICER WOOD: Thank you. Please  
6 take away your mic before you get up. Thank you.

7 (Witness Excused.)

8 (Recess.)

9 (Witness was duly  
10 sworn.)

11 BRANDON TERNAND,  
12 called as a witness herein, after having been  
13 first duly sworn, was examined and testified as  
14 follows:

15 HEARING OFFICER WOOD: You may proceed.

16 MR. THOMPSON: Thank you.

17 DIRECT EXAMINATION

18 BY MR. THOMPSON:

19 Q. For the record, Officer Ternand, can  
20 you state and spell your name for the record?

21 A. Brandon Ternand. T-E-R-N-A-N-D.

22 Q. Okay. Brandon, just take a deep  
23 breath. Okay? I'm going to ask you some  
24 questions this morning about yourself and what

1 happened. Okay?

2 A. Okay.

3 Q. How old are you as you sit here today,  
4 Brandon?

5 A. 34 years old.

6 Q. On November -- how old were you,  
7 Brandon, on November 8th, 2012?

8 A. I was 28 years old.

9 Q. Let's go back a little bit. Where did  
10 you grow up, Brandon?

11 A. I grew up in Berkeley, Illinois.

12 Q. How many people are in your family?

13 A. It was my mom, my dad and then my  
14 sister.

15 Q. And I believe you mentioned this  
16 before. What do your parents do?

17 A. My mom, she works for Concordia  
18 University. She works for the president. My  
19 dad, he works at a company SE Electrical,  
20 global security manager.

21 Q. I think we asked some of these  
22 questions. If you can just indulge me. Where  
23 did you go to high school?

24 A. Proviso West High School.

1 Q. What year did you graduate?

2 A. In 2002.

3 Q. How about college, did you attend  
4 college?

5 A. I went to Triton Community College.

6 Q. Got an associate's degree?

7 A. Yeah, in criminal justice.

8 Q. Again, what did you do after you  
9 graduated from college, Brandon?

10 A. I continued working at U.P.S., and I  
11 worked at Staples warehouse.

12 Q. When did you first decide, Brandon,  
13 that you wanted to become a Chicago police  
14 officer?

15 A. I wanted to be a Chicago police  
16 officer for as long as I can remember.

17 Q. What was your date of appointment,  
18 Brandon?

19 A. June 4, 2007.

20 Q. Of course we met your lovely wife  
21 yesterday. But, in fact, you're married,  
22 correct?

23 A. Yes.

24 Q. And do you have any children, Brandon?

1 A. I do.

2 Q. How old -- what's your son's name?

3 A. My son is Jayden; he's eight years  
4 old.

5 Q. And you heard Commander Johnson's  
6 testimony. You talk about your family while  
7 you're on the job?

8 A. I do.

9 Q. All right. Let's go to the police  
10 academy. Okay? What year did you arrive there  
11 at the police academy?

12 A. In 2007.

13 Q. After the police academy -- let me  
14 stop you there. Let's talk about the police  
15 academy. Could you describe for us generally,  
16 Brandon, what kind of training did you receive  
17 at the police academy?

18 A. That was your basic police officer  
19 training. You learn everything entry level  
20 that you need to know to be a police officer,  
21 you know.

22 Q. Like the law?

23 A. The basics of law. The basics of, you  
24 know, requirements for physical fitness, yeah.

1 Q. Even some things as simple as like how  
2 to wear your uniform, right?

3 A. Yes. Six months. It was a lot. It  
4 was a lot of stuff.

5 Q. And that was all stuff that you were  
6 learning for the first time, correct?

7 A. That's correct.

8 Q. Part of the training at the police  
9 academy, of course, included use of a firearm,  
10 correct?

11 A. That's correct.

12 Q. And you had to qualify before you  
13 graduated from the police academy with your  
14 firearm or your service weapon, correct?

15 A. Correct.

16 Q. And every year thereafter, once a year  
17 you have to qualify with your firearm; is that  
18 true?

19 A. That's correct.

20 MR. FIEWEGER: I'm going to generally  
21 object to the leading nature of the questions.

22 MR. GRACE: It's background. I'm trying to  
23 move this along, Madam Hearing Officer. I won't  
24 do it when we get to the substance.

1 MR. FIEWEGER: I withdraw the objection.

2 HEARING OFFICER WOOD: That's fine.

3 BY MR. THOMPSON:

4 Q. Thanks to Mr. Grace's keen examination  
5 yesterday, could you tell all of us what are  
6 the distances that you have to qualify at every  
7 year at the police academy?

8 MR. GRACE: Can I object?

9 HEARING OFFICER WOOD: No, you can't.

10 MR. FIEWEGER: Can Mr. Grace write this  
11 down, please?

12 BY MR. THOMPSON:

13 Q. Police academy and thereafter you  
14 train at the same distance; is that fair,  
15 Brandon?

16 A. Yes.

17 Q. Can you tell us what distances you  
18 train on with the firearm that you have to get  
19 certified for?

20 A. Conversions into feet.

21 Q. Feet. Keep it simple for all of us.

22 A. It will be 21 feet, 45 feet and 75  
23 feet.

24 Q. You graduated from the police academy



1 in what year, Brandon?

2 A. The same year, 2007. At the end of  
3 it.

4 Q. You went to the 3rd District, correct?

5 A. That's correct.

6 Q. Now you're on the street in the 3rd  
7 District as a probationary police officer, but  
8 you have police powers, correct?

9 A. Correct.

10 Q. How did the Chicago Police Department  
11 instruct you or teach you regarding the nuts  
12 and bolts of being a police officer on the  
13 street?

14 A. You just learn through experience from  
15 fellow officers, FTOs. Just learn on the job.

16 Q. You did that for approximately a year,  
17 if I understand your testimony from earlier in  
18 this matter, correct?

19 A. Yes.

20 Q. Then you became a tactical police  
21 officer?

22 A. That's correct.

23 Q. Could you describe for us, again,  
24 Brandon, what your understanding was being a

1 tactical police officer? What are your duties  
2 and responsibilities?

3 A. It was to go after the gangs, the  
4 guns, in-progress calls, all the violence. We  
5 were the direct -- we were the front line of  
6 gang violence.

7 Q. Just on this issue right now, Brandon.  
8 Okay? When you transitioned from a patrol  
9 officer to a tactical police officer in the  
10 Chicago Police Department's 3rd District, did  
11 you receive, Brandon, any formal training  
12 regarding becoming a tactical police officer?

13 A. No.

14 Q. Did you -- when I say formal police  
15 training, I'm talking about whether you went to  
16 an FBI school or a Chicago Police Department  
17 training class?

18 Was there any formal classroom  
19 training or any training at all relative to  
20 that transition from patrol officer to tactical  
21 police officer?

22 A. No, I learned on the job from a  
23 sergeant and fellow officers on the team.

24 Q. Was there any additional training that

1 was provided to you by the Chicago Police  
2 Department relative to use of force when you  
3 became a tactical officer in the 3rd District  
4 of the Chicago Police Department?

5 A. No.

6 Q. You were -- you heard Mr. Gennaco  
7 testify here yesterday, correct?

8 A. I did.

9 Q. And you heard Mr. Gennaco testify  
10 relative to his criticisms with respect to  
11 tactics that you, specifically you Brandon, and  
12 other team members deployed on November 8th,  
13 2012, correct?

14 A. I did hear that, yes.

15 Q. I believe you testified to this  
16 earlier, but the tactics that you deployed that  
17 day were the same tactics that you deployed  
18 every day in the 3rd District as a tactical  
19 officer with the Chicago Police Department; is  
20 that fair?

21 A. Yeah, that's correct.

22 Q. Did the Chicago Police Department ever  
23 send you to training relative to tactics as a  
24 3rd District tactical police officer for the

1 Chicago Police Department?

2 A. No.

3 Q. Any other -- go into any other law  
4 enforcement agency for training with respect to  
5 use of force?

6 A. No.

7 Q. And, specifically, how did you learn  
8 the tactics that you deployed on November 8th,  
9 2012, Brandon?

10 A. I learned it from the officers that  
11 had been there, the sergeant. And I just  
12 learned from example, from how they taught me.

13 Q. But -- and you heard Mr. Gennaco's  
14 testimony relative to specifically foot  
15 pursuits, correct?

16 A. Correct.

17 Q. How often in your daily  
18 responsibilities as a 3rd District tactical  
19 officer were you engaged in foot pursuits,  
20 Brandon?

21 A. Me personally? I would say on a daily  
22 basis and sometimes multiple times a day I  
23 would be engaged in a foot pursuit.

24 Q. So just bear with me here. Did you

1 receive -- when you transitioned to a 3rd  
2 District tactical officer, did you receive any  
3 additional training from the Chicago Police  
4 Department relative to the dos and don'ts in a  
5 foot pursuit?

6 A. No.

7 Q. Have you ever, Brandon, since you left  
8 the academy, have you ever returned for any  
9 type of training relative to foot pursuits  
10 offered to you through the Chicago Police  
11 Department or any other law enforcement agency,  
12 FBI included?

13 A. I have not.

14 Q. When you're involved in a foot  
15 pursuit, Brandon, I'm talking about when you  
16 are on the job, 3rd District tactical officer,  
17 you are involved in a foot pursuit, you make a  
18 report; is that fair?

19 A. That's fair, yes.

20 Q. And even if it's in the summary  
21 fashion, you include the facts of a particular  
22 arrest, correct?

23 A. That's correct.

24 Q. Once you -- and that report that you

1 complete -- specifically let's be specific  
2 here. When you're involved in a foot pursuit,  
3 do you include that fact that this arrest  
4 involved Officer Brandon Ternand, 3rd District  
5 tactical officer, engaged in a foot pursuit  
6 relative to this encounter or arrest?

7 A. Yes, when I write any type of case  
8 report or arrest report, when it's a foot  
9 chase, it was noted in the report, yes.

10 Q. What happens to that report that you  
11 generate relative to that arrest or encounter?

12 A. It goes to supervisor approval.

13 Q. What's your understanding of what  
14 supervisor approval means?

15 A. For us a sergeant or could be higher  
16 lieutenant or usually a sergeant.

17 Q. And, in your experience, Brandon, did  
18 the supervisor sign off on those reports?

19 A. Yes.

20 Q. How many of those types of reports,  
21 Brandon, do you believe -- just give us an  
22 approximation, that you generated relative to  
23 your arrests of -- while you are in a foot  
24 pursuit?

1           A.     It has to be well into the hundreds.

2           Q.     What was your supervisor's response  
3     relative to your officer-related conduct in  
4     those reports for foot pursuits every time that  
5     you generated such a report?

6           A.     Any time I got into a foot chase, in  
7     general, the guy was caught, I was praised. I  
8     mean it was good. It was good to get in a foot  
9     chase and catch people. It was encouraged.

10          Q.     How many -- how long have you been a  
11     police officer, Brandon?

12          A.     It would be 11 years.

13          Q.     There must be at least one occasion  
14     when you were a Chicago police officer, 3rd  
15     District tactical officer, you did a report,  
16     you sent it in to get approved by a supervisor,  
17     when a supervisor came to you and said, Officer  
18     Ternand, I want to talk to you about the  
19     tactics you used in this arrest, that happened  
20     at least once, didn't it, Brandon?

21          A.     No.

22          Q.     It never happened?

23          A.     No.

24          Q.     I mean let's just be clear for the

1 record. In your time as a 3rd District  
2 tactical officer, did any supervisor, sergeant,  
3 watch commander, Commander Johnson, did they  
4 ever criticize the manner in which you  
5 conducted yourself as a 3rd District tactical  
6 officer in a foot pursuit?

7 A. No, they did not.

8 Q. I'm going to move on, Brandon. Okay?

9 A. Okay.

10 Q. In your short time as a Chicago police  
11 officer, Brandon, have you received  
12 recognitions, awards, commendations?

13 A. I have.

14 Q. How many awards or commendations have  
15 you received in your ten-year career, Brandon?

16 A. I believe it's 124 awards.

17 Q. We're not going to go through all of  
18 them. Okay? In fact, I just want to highlight  
19 a couple.

20 A. Okay.

21 Q. Okay. Can I approach, Madam Hearing  
22 Officer?

23 HEARING OFFICER WOOD: Yes.

24 BY MR. THOMPSON:



1           Q.    I'm going to let you pick a couple,  
2   Brandon.  We're kind of cheating, because  
3   they're on the board.  What awards, Brandon,  
4   are important to you?

5           A.    I have Superintendent's Award of  
6   Valor.  Two special commendations.  Police  
7   Officer of the Month.  And life-saving award.  
8   In addition, I also have eight department  
9   commendations.  Those are pretty high.  Those  
10  awards, those are the highest ones.

11          Q.    Exhibit No. 8, that's a life-saving  
12  award, correct?

13          A.    Yeah, I saved somebody's life for that  
14  award -- to get that award.

15          Q.    Is Exhibit No. 6 important to you?

16          A.    Yes.

17          Q.    What's that about, Brandon?

18          A.    That was Police Officer of the Month.  
19  I believe I got that -- I believe that was  
20  City-wide for, I think, having the most arrests  
21  or gun recovery.  It was a combination of just  
22  a lot of police work within that month.

23          Q.    Flanking your Medal of Valor Award,  
24  Brandon, those are two special commendations,

1 correct?

2 A. That's correct.

3 Q. What's important to you about those  
4 two special commendations, Brandon?

5 A. Well, one I received for this incident  
6 that we're all here for today. I was awarded a  
7 special commendation.

8 I was also awarded a special  
9 commendation for assisting in helping to  
10 identify and apprehend a DOD gang member for  
11 homicide -- that was wanted for homicide.

12 Q. Could you tell us when you received  
13 those two special commendations?

14 A. I received them at the same time.

15 Q. On the same day?

16 A. Yes.

17 Q. In your experience, Officer Ternand,  
18 are you aware whether or not any other officers  
19 ever received two special commendations on the  
20 same day?

21 A. I've never personally seen anybody get  
22 two special commendations on the same day.

23 MR. THOMPSON: May I approach, your Honor?

24 HEARING OFFICER WOOD: Just for the record,

1 what's the date?

2 THE WITNESS: The date that they gave it to  
3 me? They finally gave them to me 17, October,  
4 2017.

5 HEARING OFFICER WOOD: Thank you.

6 BY MR. THOMPSON:

7 Q. All right. Brandon, I'm going to show  
8 you what was marked as Exhibit No. 4.  
9 Actually, I'm going to hand it to you. Is that  
10 a true-and-accurate award that's reflected in  
11 Exhibit No. 4?

12 A. Yes.

13 Q. Could you just give us, Brandon, a  
14 summary of what constituted you receiving that  
15 award?

16 A. Very briefly. I was chasing an armed  
17 offender, and then another armed offender shot  
18 at me, and he was apprehended by my team  
19 members and charged with attempted murder of a  
20 police officer and sentenced to, I believe, 25  
21 years in prison.

22 Q. Who awarded you that?

23 A. Mayor Rahm Emanuel and Superintendent  
24 Eddie Johnson.

1 Q. Is that Medal of Valor inscribed?

2 A. Yes, it is.

3 Q. Could you read that into the record,  
4 Officer Ternand?

5 A. Yes. "In recognition of an  
6 outstanding act of bravery with no regard to  
7 self or personal safety, with great individual  
8 courage and with dedicated devotion to duty."

9 Q. All right. I'm going to hand to you  
10 what's marked as Exhibits 3 and 5, Brandon.  
11 You recognize that as your special  
12 commendation?

13 A. I do.

14 Q. Who awarded that to you, Brandon?

15 A. These are -- I believe the final  
16 approval for these are the Superintendent.

17 Q. And are those commendations inscribed?

18 A. They are.

19 Q. Could you read into the record the  
20 inscription on that special commendation?

21 A. I can. "For your outstanding police  
22 service which significantly impacts public  
23 safety and crime prevention and brings great  
24 credit to the Chicago Police Department. Your

1 exceptional contribution is appreciated by all  
2 the citizens of the City of Chicago."

3 Q. When you received the special  
4 commendations, you were employed as a Chicago  
5 police officer?

6 A. I was.

7 Q. And whom did you understand to be your  
8 ultimate boss as a Chicago police officer when  
9 you were awarded the special commendations and  
10 even the Medal of Valor?

11 A. The Superintendent and the Mayor.

12 Q. Let's move on. Okay?

13 We've heard about the 3rd District and  
14 the dangers lurking in the shadows. But can  
15 you just tell all of us, Brandon, what it is  
16 about the 3rd District that makes it a  
17 dangerous environment in your own words?

18 A. 3rd District is really not large in  
19 size, but it is -- it has significant gang  
20 conflicts, almost that covers our map. We have  
21 a gang map. So you literally have almost every  
22 block that has some kind of gang conflict. I  
23 mean it was pretty violent with all the  
24 conflicts, especially in 2012.

1           Q.    In that geographical map, is there any  
2   portion of the 3rd District that's free of gang  
3   control?

4           A.    There's like a golf course probably.  
5   But overall, no.  Majority of the district it  
6   had -- it was infested with gangs.

7           Q.    Other districts -- we heard Commander  
8   Johnson.  You worked in other districts in  
9   Chicago, correct?

10          A.    That's correct.

11          Q.    Is the 3rd District more violent or  
12   dangerous than other districts?

13          A.    The 3rd District at that time was more  
14   violent.  Probably the worst I had ever seen  
15   it.  Worst district I had seen at that moment  
16   in time.

17          Q.    And what specifically was different  
18   about the gang activity in the 3rd District  
19   where you worked versus the 5th District and  
20   11th District?

21          A.    It was just the conflicts were super  
22   active at that moment, so you had -- I mean we  
23   had a point we dealt a lot with DOD.  They were  
24   in conflict with Kuwait City.  They were in

1 conflict with a gang called 400 East, a gang  
2 called Gotti World. It was an ongoing conflict  
3 where they would constantly shoot at each  
4 other, murder each other. Sometimes innocent  
5 people would get caught in the middle of it.

6 Q. Other than what you just described  
7 when we were talking about your awards and  
8 commendations, Brandon, have you ever been shot  
9 at?

10 A. Yeah, I have.

11 Q. Have you ever seen any of your team  
12 members shot at?

13 A. I have.

14 Q. What's your knowledge with respect to  
15 outside of your team members, other officers in  
16 the 3rd District being shot at?

17 A. I saw it way more than really should  
18 have been ever seeing. It was -- it was  
19 frequent. I couldn't give you a time like how  
20 often it was, but it seemed more often than  
21 not.

22 Q. Like an everyday situation?

23 A. Not quite every day, but I mean there  
24 were events where officers would get shot at,

1 and we would respond shots fired at the police.

2 Q. With respect to the times that you've  
3 been shot at, Officer Ternand, where in the 3rd  
4 District have those incidents occurred?

5 A. Majority off 67th Street, Marquette.

6 Q. Are you talking about the general area  
7 where this incident occurred?

8 A. The general area, yeah.

9 Q. What -- I'm sorry, Brandon, but when  
10 you suit up every day, what kind of emotions  
11 are you feeling?

12 A. I mean at that moment, you know, even  
13 before you go to work, I mean you have -- it's  
14 only human nature to be scared. But, I mean,  
15 I'm a police officer, and I know I have my  
16 teammates with me, and I rely on them, I trust  
17 them, and we do the best to have each other's  
18 back, so it kind of relieves a lot of that  
19 fear.

20 Q. How often did you experience, and  
21 let's be specific, 2012, how often did you  
22 experience those emotions, anxiety and fear?

23 A. Constant. When you're responding to  
24 shots fired, person with a gun, it's only



1 natural to be scared.

2 MR. THOMPSON: May I approach for a second?

3 Just got to change the board.

4 HEARING OFFICER WOOD: Yes.

5 BY MR. THOMPSON:

6 Q. Okay. Brandon, I'm going to hand you  
7 the pen. Okay?

8 A. Okay.

9 Q. Let's go to the date of the incident,  
10 November 8th, 2012, Brandon.

11 A. Okay.

12 Q. And if you need to use any of the  
13 photographs on the board to mark anything,  
14 please feel free to do it. Okay?

15 A. Okay.

16 Q. Let's get to the alley. Okay? Forget  
17 about the earlier call. Let's get to the  
18 alley. You're with Razo. Tell us, Brandon, in  
19 your own words what you see as you're driving  
20 westbound in the alley?

21 MR. FIEWEGER: Objection. Asked and  
22 answered. It's all been covered on my  
23 examination.

24 MR. THOMPSON: That was cross.

1           HEARING OFFICER WOOD: Are you going to go  
2 over everything he already did in their  
3 examination?

4           MR. THOMPSON: Well, I hope not to go over  
5 specifically everything. But certainly I'm going  
6 to get to the point where Officer Brandon Ternand  
7 is in the foot pursuit and this specific incident  
8 of officer-involved shooting occurs.

9           HEARING OFFICER WOOD: I will allow you to  
10 do that. I would just ask you to try not to  
11 duplicate what he already testified to.

12          MR. THOMPSON: That's certainly our  
13 intention. But since that's the direction of  
14 this testimony, if I can have a little leeway to  
15 lead to a spot until we get to some significant  
16 issues, if that's okay.

17          HEARING OFFICER WOOD: I'll give you a  
18 little leeway. If you duplicate what he said, he  
19 is going to object. You know that?

20          MR. THOMPSON: Okay. All right.

21          BY MR. THOMPSON:

22           Q. Let's go to the alley. The passenger  
23 seat. Razo is driving, correct?

24           A. Correct.

1           Q.    Tell us what you see, Officer Ternand,  
2    in the mouth of the alley?

3           MR. FIEWEGER:  Objection.  Asked and  
4    answered.  We covered this.

5           MR. THOMPSON:  No, we really didn't from  
6    his perspective when he had an opportunity to put  
7    it into his own words.

8                       Remember, he was called as an  
9    adverse witness, and those questions were leading  
10   questions that were presented to him.

11          HEARING OFFICER WOOD:  Do you think his  
12   answers are going to be different?  Because I  
13   don't think they are.

14          MR. GRACE:  Judge, we have a right to  
15   direct our witness the way -- put on our case the  
16   way we want to put on our case.  The City put on  
17   their case the way they wanted to put on their  
18   case.  We have a right now to rebut it.

19                     And I agree with you, we shouldn't  
20   go over, you know, ad nauseam everything that  
21   happened as we did on direct, but we have a right  
22   to put our case on.  And this is our opportunity  
23   to put our case on.  So I don't think an  
24   objection based upon asked and answered is proper

1 in our case in chief. So I think we should be  
2 allowed to do that.

3 HEARING OFFICER WOOD: And you don't think  
4 they should?

5 MR. FIEWEGER: It's also duplicative.

6 HEARING OFFICER WOOD: It is kind of  
7 duplicative. But I will give you a little room.  
8 I'm going to ask the Superintendent to give a  
9 little room so we can get through it. Okay? If  
10 it gets too duplicative, then I'll probably wave  
11 my hand.

12 MR. THOMPSON: Okay.

13 MR. FIEWEGER: I can say that I would not  
14 object if he asked him what was he wearing, what  
15 did that mean to you? It's getting his insights,  
16 I don't object to that. Just going over  
17 were -- these are the factual events, again,  
18 we've already done all that.

19 MR. THOMPSON: That's our approach.

20 HEARING OFFICER WOOD: Right. We have  
21 heard it also through your cross of the expert.  
22 You went through what Ternand's position was, and  
23 you said let's assume this position is correct.  
24 We actually have gone through it.

1           MR. THOMPSON: I know, but I don't think  
2 the expert liked me very much, and it was a  
3 little challenging yesterday.

4           HEARING OFFICER WOOD: But you still  
5 explained his position. I'm just saying it is  
6 already in the record at least twice. His  
7 version of events is in the record.

8           MR. THOMPSON: Okay.

9           HEARING OFFICER WOOD: So take a breath and  
10 think about what you really need to get for your  
11 case here.

12          MR. THOMPSON: Fine.

13          BY MR. THOMPSON:

14           Q. Let's go to the alley. Let's go to  
15 the mouth of the alley. Let's go to Dakota  
16 Bright and his DOD uniform and his firearm in  
17 his right hand.

18                    Could you please, Officer  
19 Ternand, stand up and show the hearing officer  
20 how you observed Dakota Bright conceal his  
21 firearm?

22           A. Use the pen.

23           HEARING OFFICER WOOD: Be careful with the  
24 mic.

1 BY MR. THOMPSON:

2 Q. Just show her what he did.

3 HEARING OFFICER WOOD: You have a little  
4 room.

5 THE WITNESS: All right. It is going to be  
6 slow motion. So you -- face towards you?

7 MR. THOMPSON: That's fine.

8 THE WITNESS: So came -- it would be here  
9 like this and I saw (demonstrating).

10 BY MR. THOMPSON:

11 Q. Okay. That was to his left side,  
12 correct?

13 A. Correct.

14 Q. When you and Razo are still in the  
15 car, you saw Dakota Bright running; is that  
16 fair?

17 A. Yes.

18 Q. What was the most important  
19 observation that you made about Dakota Bright  
20 and the manner in which he was running?

21 A. He was running holding his left side.

22 Q. Why was that the most important  
23 observation that you made?

24 A. Because that's the side that I saw him

1 tuck his handgun into.

2 Q. Officer Razo stops his vehicle and you  
3 exit; is that correct?

4 A. Correct.

5 Q. Other than your partner, you didn't  
6 know for sure where any other officer was  
7 because you couldn't see them; is that fair?

8 A. I couldn't see them.

9 Q. Okay. And you heard the expert  
10 yesterday being critical about your tactics in  
11 your communication; is that fair?

12 A. That's correct.

13 Q. Did you know when you exited that  
14 vehicle where Officer Sledge and Officer Bruno  
15 were located?

16 A. Yes.

17 Q. Where were they located?

18 A. They were located in the alley waiting  
19 for the doubling back.

20 Q. How in the world would you know that,  
21 Officer Ternand?

22 A. These guys double back a lot, so it  
23 was something we always did. Someone would  
24 stay home, and then if the guy ran back, you'd

1 just be standing there, and the guy would run  
2 right to you.

3 Q. What, if any, radio communication did  
4 you make when you exited the vehicle and began  
5 the pursuit of Dakota Bright?

6 A. I yelled on the radio, "He is coming  
7 back to you, Gino."

8 Q. Anything that you could say on that  
9 communication, why would you say those words,  
10 Officer Ternand?

11 A. I was worried about Gino and Bruno. I  
12 didn't want them to get shot.

13 Q. What verbal commands did you give  
14 Dakota Bright during that pursuit?

15 A. I repeatedly told him, Drop the gun,  
16 stop, police. I just repeated variations of,  
17 Drop the gun, drop the gun, stop, police.

18 Q. In your experience as a tactical  
19 officer in the 3rd District and being in all  
20 those foot pursuits, have you ever been  
21 involved in a foot pursuit where you see an  
22 offender initially with a gun, and the offender  
23 pitches, throws, dumps a gun?

24 A. I've seen where they pitched a gun,



1     yes.

2           Q.     How often have you seen situations  
3     where initially the offender has a gun, but you  
4     later learn that he had pitched the gun, dumped  
5     the gun, and you didn't actually observe that  
6     action?

7           A.     When he pitched the gun?

8           Q.     Where he pitched the gun, and you  
9     didn't actually see him do it.

10          A.     Probably happened hundreds of times.

11          Q.     Common, would that be fair to say?

12          A.     I'd say very common.

13          Q.     And on those instances, Officer  
14     Ternand, prior to November 8th, 2012, what were  
15     the actions of the offenders after they dumped  
16     the gun?

17          A.     I've had most -- most circumstances  
18     guys know that they've already given up  
19     essentially the evidence. And a lot of times,  
20     Stop, stop, I didn't do nothing. Stop, stop,  
21     don't shoot. They have their hands like this.  
22     Just face you real -- I mean real erratic, but  
23     they have their hands up. They don't -- don't  
24     shoot, don't shoot.

1 Q. Raise their hands up, correct?

2 A. Yes.

3 Q. Do you have a common phrase describing  
4 that type of encounter?

5 A. When they would run or -- yeah.

6 Q. When they run and they dump the gun.

7 A. Yeah, a lot of times we call it a gun  
8 run. Just a term that's floated around.

9 Q. Would it -- focus your attention,  
10 Brandon, on the testimony from the expert, from  
11 Mr. Gennaco yesterday. Okay?

12 A. Okay.

13 Q. You heard Mr. Gennaco talk about being  
14 winded and about being exerted, correct?

15 A. I heard that, yes.

16 Q. Taking you back to November 8th, 2012,  
17 Brandon, what kind of physical shape were you  
18 in at that time?

19 A. I would say I was in really good shape  
20 physically.

21 Q. Why? What contributed to that,  
22 Brandon, your physical shape?

23 A. I mean I ran almost daily. I probably  
24 tried to do anywhere from three to five miles a

1 day running, if I could. You know, when I had  
2 my son, it -- kind of maybe a couple of times a  
3 week. But always when I went out, tried to get  
4 three miles. Sometimes five.

5 Q. What about athletic hobbies, Brandon?

6 A. I played soccer for a while. Even  
7 into my adult life.

8 Q. Did you play soccer while you were on  
9 the Chicago Police Department?

10 A. I did. I actually briefly even played  
11 for the Chicago Police Department's team.

12 Q. How about any other teams?

13 A. I did. Every now and then I'd get  
14 calls to fill in on these semipro leagues, like  
15 in Hanover Park. I don't recall the names,  
16 like Aztec or something, something like that.  
17 I'm not sure. But they would just call when  
18 they needed a goalkeeper, and I would come and  
19 fill in periodically.

20 Q. And prior to coming on the academy, of  
21 course, you played competitive high school  
22 soccer, correct?

23 A. That's correct.

24 Q. So at those moments leading up to the

1 discharge of your firearm, what, if any, effect  
2 did the pursuit, the distance, or encountering  
3 a chain and a guardrail have with respect to  
4 you being winded?

5 A. I wasn't close to being winded.

6 Q. What about encountering a chain,  
7 hopping over it, a guardrail, hopping over it,  
8 what, if any, effect did that have with respect  
9 to your strength, your endurance or what  
10 Mr. Gennaco referred to as exertion?

11 A. Going over a fence is like a daily  
12 activity for me on the police department.

13 Q. So going back to November 8th, 2012,  
14 Brandon, had you lost any strength  
15 relative -- or exert -- had you exerted too  
16 much energy prior to the discharge of your  
17 weapon?

18 A. I did not.

19 Q. Mr. Gennaco referred to -- I don't  
20 remember if he said it was a two-foot fence or  
21 five-foot fence, somewhere in that, Brandon.  
22 He referred to it as a barrier. Do you  
23 remember that testimony?

24 A. I do.

1           Q.    How do you consider a chain and a  
2   guardrail and a three, five-foot fence as it  
3   relates to an obstacle in performing your  
4   police duties?

5           A.    If they go over it, I got to go over  
6   it, too, to go apprehend the offender.

7           Q.    How often are you doing -- going over  
8   a fence or guardrail on a daily basis as a  
9   police officer?

10          A.    On average, I'm running or jumping  
11   over something daily.

12          Q.    Mr. Gennaco referred to you, because  
13   that's what he was here talking about, you,  
14   that when you were pursuing Dakota Bright, you  
15   were frustrated. Do you remember that  
16   testimony?

17          A.    I do.

18          Q.    What was your state of mind as you  
19   were pursuing Dakota Bright as it relates to  
20   frustration?

21          A.    Frustration was not an accurate way to  
22   describe my emotions at that time.

23          Q.    I'm asking you. Were you frustrated?

24          A.    No.

1           Q.    It's easy to say that, but why should  
2   any of us believe that you weren't frustrated,  
3   Brandon?

4           A.    I chased hundreds of armed offenders  
5   in my career, and I've never been frustrated.  
6   I don't take it personal.  It's my job.

7           Q.    And Mr. Gennaco said also that -- I  
8   think he used the word mad, that you were mad  
9   at Dakota Bright when you began that foot  
10  pursuit.  Do you remember that?

11          A.    I do remember.

12          Q.    Okay.  What were your feelings as it  
13  related to anger, your personal feelings,  
14  anger, mad?

15          A.    Anger or mad is not an accurate  
16  emotion of how I felt at that time.

17          Q.    It's easy to say that, Brandon, but  
18  why wouldn't you be angry or mad?

19          A.    Like I said, I'd been in so many foot  
20  chases in my career, it's just part of the job.  
21  I never, ever took it personal.

22          Q.    One last -- hopefully the last  
23  subject.  About Mr. Gennaco's criticisms  
24  yesterday was about cover, do you remember

1     that, Brandon?

2           A.     I do remember.

3           Q.     You know what cover is?

4           A.     I do.

5           Q.     Let's be clear for the record.  I  
6     think Mr. Gennaco was referencing a grill and a  
7     tree, perhaps, yesterday.  Okay?  Do you  
8     consider a grill to be cover?

9           A.     I do not.

10          Q.     Why not, Brandon?

11          A.     There's no -- there's a lot of room.  
12     It's small.  And metal, it will go right  
13     through.

14          Q.     What goes right through that?

15          A.     A bullet can go right through that.

16          Q.     And there's a big tree, that's  
17     different, though, right, in terms of cover  
18     from a grill?

19          A.     Correct.

20          Q.     Why didn't you, Brandon, use the tree  
21     as cover when you encountered Dakota Bright  
22     right before you discharged your firearm?

23          A.     The thought never even crossed my  
24     mind.  I reacted so quick.  I just -- cover was

1 just not something I even thought of. And I  
2 didn't -- it's like I didn't see the tree,  
3 honestly. It's like it wasn't even there.

4 Q. It's a decent-size tree. Why wouldn't  
5 you have seen the tree, Brandon?

6 A. I was just so focused on Dakota Bright  
7 holding his left side, it was like tunnel  
8 vision. I don't know how to explain it.  
9 Just -- I'm just focused right on Dakota  
10 Bright's left side. The tree wasn't even a  
11 thought in my mind.

12 Q. Just so we're clear for the record,  
13 the fence that was immediately in front of you  
14 prior to discharging your firearm, had you  
15 actually even encountered that fence before you  
16 discharged your firearm?

17 A. No.

18 Q. What about Dakota Bright's actions in  
19 your own words, Brandon, placed you in fear for  
20 your life?

21 A. When he had stopped his  
22 pursuit -- when he had stopped running, it was  
23 extremely different. I'd never seen anything,  
24 the element, how he did that. When he reached



1 very quickly to that left side, I believed he  
2 was drawing the handgun that I had just saw. I  
3 had a split second to make that decision. When  
4 he started turning towards me, I fired a shot.

5 Q. Were his actions at that moment in  
6 time similar to the actions that you had  
7 observed him previously?

8 A. No.

9 Q. Had they changed?

10 A. They did.

11 Q. How so, Brandon?

12 A. He had been running at a pretty good  
13 pace. When he got over that last fence, he  
14 stopped. Just didn't make any sense. And he  
15 reached to his left side. I mean that's where  
16 I saw the gun last. I mean I  
17 figured -- turning towards me, I thought he was  
18 going to shoot me.

19 Q. How did that make you feel?

20 A. I was scared. I thought I was going  
21 to die.

22 Q. Can you do me -- can you do us one  
23 more favor here, Brandon? Could you stand up,  
24 and could you show Madam Hearing Officer how

1     you deployed your firearm when you discharged  
2     it at Dakota Bright?

3           A.     Yeah. Once again, I would have been  
4     moving, and I just -- so I'm moving. I can't  
5     demonstrate.

6           Q.     That's a fair question. Let me give a  
7     little segue.

8                     Prior to discharging that weapon,  
9     you were running fast after Dakota Bright,  
10    correct?

11          A.     Correct.

12          Q.     And pick up from there and tell us  
13    what --

14          A.     So it's hard. So you have to get an  
15    idea of my body motion because I already been  
16    moving. As he is turning towards me, I just  
17    reacted, like somebody punches or slaps at me  
18    or something, and I had my gun in my hand, and  
19    I just got -- then I got back on target just  
20    waiting.

21          Q.     Show us one more time. One more time  
22    slow it down, Brandon.

23          A.     Once again, like I said, tried to  
24    replicate movement, but in mid step I reacted

1     when he turned once again almost like I --  
2     reaction, just a flinch. I came up and fired.  
3     As I'm punching out, I'm pulling the trigger.

4           Q.     Okay. You fired how many times,  
5     Brandon?

6           A.     Once.

7           Q.     Well, Mr. Gennaco said that in his  
8     years of experience of running alongside  
9     officers like you, hopping fences and so forth  
10    and chasing bad guys, that he would have  
11    expected you to shoot at least three times. Do  
12    you remember that?

13          A.     I do remember.

14          Q.     When you were at the police academy,  
15    what was the purpose that they taught you to  
16    use deadly force and to discharge that weapon?

17          A.     It was to shoot until the threat was  
18    gone.

19          Q.     They ever tell you, train you,  
20    instruct you you had to discharge your weapon a  
21    certain amount of times?

22          A.     No.

23          Q.     Why did you fire only one time,  
24    Brandon?

1           A.     There was no need to fire any more  
2     shots.   The offender went down to the ground.

3           Q.     This -- I'm going to move on now,  
4     Brandon.   Okay?   This is a new topic.   Okay?

5           A.     Okay.

6           Q.     At some point on November 8th, 2012,  
7     you discovered that that shot that you fired  
8     killed Dakota Bright, right?

9           A.     Yeah.

10          Q.     Well, could you share for us, Brandon,  
11     your emotions relative to learning that this  
12     person, Dakota Bright, was killed by your  
13     firearm?

14          A.     It was probably -- I will say the  
15     worst moment of my life.   It was an emotion I  
16     never felt.   I guess you could say it was like  
17     a type of sadness, but it was just terrible.   I  
18     don't wish it on anybody.

19          Q.     How often do you have those emotions  
20     since then, Brandon?

21          A.     I have to think about it just about  
22     every day of my life.   And I'll always have it  
23     with me for the rest of my life.   It's  
24     terrible.   I don't wish it on anyone.   It's

1 tragic, the whole thing. Just terrible.

2 Q. Why do you think Dakota Bright was  
3 reaching for something, Brandon?

4 MR. FIEWEGER: Objection. Speculation.

5 HEARING OFFICER WOOD: I think you already  
6 covered that. I think he already explained what  
7 he thought Dakota Bright was doing and what he  
8 was reaching for.

9 MR. THOMPSON: Okay. It's for a different  
10 purpose. Maybe I can rephrase the question.

11 HEARING OFFICER WOOD: You can rephrase.

12 MR. THOMPSON: Okay. This also our last  
13 question.

14 BY MR. THOMPSON:

15 Q. Since November 2008 -- sorry.  
16 November 8th, 2012, Brandon, have you thought  
17 about Dakota Bright reaching for his side on  
18 that particular day, that particular moment,  
19 that particular time on November 8th, 2012?

20 A. I have.

21 Q. Why?

22 A. It was the worst day of my life. I  
23 constantly think about what he was actually  
24 doing. I really to this day don't even know.

1 I looked at all these different things. I seen  
2 the cell phone. I seen maybe he is pulling his  
3 pants up to change direction. But I had to  
4 make a decision to protect myself and my  
5 family, to see my family again. So I mean I  
6 don't know what he was doing. I wish I knew.  
7 Only God knows. I wish -- honest, I just wish  
8 he wasn't dead. I wish he would have survived,  
9 and we could have asked him. All this is  
10 terrible, all this happened. It's tragic for  
11 everybody involved.

12 MR. THOMPSON: I don't have any more  
13 questions. Thank you. I'll tender the witness.

14 HEARING OFFICER WOOD: Cross?

15 MR. FIEWEGER: Very briefly.

16 CROSS-EXAMINATION

17 BY MR. FIEWEGER:

18 Q. Officer Ternand, you just testified  
19 that you saw Dakota Bright stop?

20 A. Yeah.

21 Q. You gave a statement to IPRA in  
22 connection with this investigation, correct?  
23 You gave a number of statements to IPRA?

24 A. I gave multiple.

1 Q. You gave IPRA a statement on July  
2 24th, 2014, correct?

3 A. Correct.

4 MR. FIEWEGER: Jim, on page 15.

5 MR. THOMPSON: One second, Jim. Which one  
6 are we doing?

7 MR. FIEWEGER: July 24, 2013.

8 MR. THOMPSON: What page?

9 MR. FIEWEGER: Page 15.

10 MR. THOMPSON: Do you mind if I give him  
11 mine?

12 BY MR. FIEWEGER:

13 Q. Officer Ternand, I'm looking at page  
14 15. Direct your attention to line nine.

15 During this statement that you gave to IPRA,  
16 did you provide the following information:

17 "That's the last fence he went over. He  
18 actually goes over and readjusts but hesitates.  
19 He stands up, hesitates, looks back and then  
20 makes a, you know, movement towards his  
21 waistband." You gave that statement to IPRA on  
22 March 24th, 2014?

23 A. I did.

24 Q. Thanks. Mr. Thompson asked you some

1 questions about reports that you prepared to  
2 your supervisors.

3 Mr. Thompson asked you some  
4 questions about reports you prepared and  
5 submitted to your supervisors. Do you remember  
6 that?

7 A. That's correct.

8 Q. And reports which you indicated you  
9 engaged in a foot chase, correct?

10 A. Reports that I -- cases where -- where  
11 chases were indicated, yes.

12 Q. So when you were involved in a foot  
13 chase, you wouldn't describe every tactical  
14 step that you took during the foot chase, would  
15 you?

16 A. I would not.

17 Q. You would say I pursued the suspect on  
18 foot, correct?

19 A. Pretty much, yes.

20 Q. I think you indicated before that one  
21 of the two special commendations that you  
22 received were in connection with -- were in  
23 connection with the incident that's involved in  
24 this case, correct?



1           A.     That's correct.

2           Q.     You were also sued civilly over that  
3     incident, correct?

4           MR. THOMPSON:  Objection.  That's beyond  
5     the scope of my questioning, and it's not  
6     relevant in this case.

7           MR. FIEWEGER:  Your Honor, he's holding up  
8     the commendations that were issued, and he is  
9     going to argue that the City recognized him for  
10    this conduct.  There is other conduct that the  
11    City took as a result of that event.  And I think  
12    it's fair for me to go into it.

13                   I think he's commended for this.  
14    I think that opens the door to also fully what  
15    did the City have to do as a result of this.

16           HEARING OFFICER WOOD:  I agree.

17           MR. THOMPSON:  That's not fair.

18           HEARING OFFICER WOOD:  I agree.  Overruled.  
19    Objection overruled.

20    BY MR. FIEWEGER:

21           Q.     So you were civilly sued as a result  
22    of this incident as well, correct?

23           MR. THOMPSON:  Same objection.

24           THE WITNESS:  Yeah, myself and the City of

1 Chicago.

2 BY MR. FIEWEGER:

3 Q. And that case was settled, correct?

4 MR. GRACE: Judge, this is improper. So  
5 objection. So, Judge, because the City lawyers  
6 made an economic decision and decided to give  
7 someone nuisance money is a negative inference.

8 HEARING OFFICER WOOD: It's something you  
9 can argue, but he gets to ask on  
10 cross-examination.

11 MR. GRACE: I don't know how --

12 HEARING OFFICER WOOD: You can argue it.  
13 You are not going anywhere else with this, are  
14 you?

15 MR. FIEWEGER: No. I was going to ask him  
16 the amount.

17 HEARING OFFICER WOOD: Ask him the amount.

18 MR. THOMPSON: Judge, how -- hold on a  
19 second. If I can be heard on this. Just for the  
20 record, Officer Ternand cannot control whether  
21 someone files a lawsuit or not. Number two,  
22 Officer Ternand has no decision-making authority  
23 when it comes to the City of Chicago --

24 HEARING OFFICER WOOD: That's all argument.

1           MR. THOMPSON: Number three, he has no  
2 control of whether or not the City of Chicago  
3 settles a case, let alone how much they settle a  
4 case for.

5           HEARING OFFICER WOOD: That's all argument.  
6 You get to argue that.

7           MR. THOMPSON: It's prejudicial. You can't  
8 unring something like that. It's not even  
9 relevant. This is an employment hearing relative  
10 to an alleged rule violation.

11          HEARING OFFICER WOOD: I believe you opened  
12 the door. He got commended for it. He gets to  
13 cross-examine about the other consequences of  
14 what happened. You can argue it in your closing.  
15 And the Police Board can determine how much  
16 weight or not to give it.

17          BY MR. FIEWEGER:

18           Q. You were represented by an attorney in  
19 that case, correct?

20           A. I was represented by the City of  
21 Chicago.

22           Q. By attorneys who are employed by the  
23 City of Chicago, correct?

24           A. That is correct.

1 Q. And there was an attorney who was  
2 assigned to represent you individually,  
3 personally, correct?

4 A. There were multiple attorneys from the  
5 City of Chicago.

6 Q. And you consulted with those attorneys  
7 about progress of the case, correct?

8 A. I did.

9 Q. And you consulted with those attorneys  
10 about strategies to follow in the case,  
11 correct?

12 A. We talked about the case, yes.

13 Q. They told you we think we should do  
14 this, we think we should defend you that way?  
15 They involved you in that process of defending  
16 the case?

17 A. We had conversations.

18 Q. They told you that they were going to  
19 settle the case, correct?

20 A. I believe they did inform me, yes.

21 Q. And they settled the case for  
22 \$925,000, correct?

23 A. If that's the amount. I don't recall.

24 MR. FIEWEGER: That's all I have.

1 HEARING OFFICER WOOD: Any redirect?

2 MR. THOMPSON: Of course not.

3 HEARING OFFICER WOOD: Of course not?

4 MR. THOMPSON: No.

5 HEARING OFFICER WOOD: Okay. Is

6 this -- are you done?

7 MR. THOMPSON: We're done.

8 HEARING OFFICER WOOD: Unmic yourself.

9 Thank you.

10 (Witness excused.)

11 HEARING OFFICER WOOD: Any other witnesses

12 today?

13 MR. THOMPSON: No other witnesses today,

14 Madam Hearing Officer.

15 HEARING OFFICER WOOD: Off the record for a

16 second.

17 (Discussion off the

18 record.)

19 HEARING OFFICER WOOD: Going back on the

20 record. We had a discussion off record in terms

21 of scheduling, and the parties have agreed that

22 Respondent will make expert disclosures on June

23 13th, 2018. And the hearing will resume on June

24 22nd, 2018, at 10:00 a.m. It is expected that we

1 will have Respondent's expert testify,  
2 Superintendent will cross-examine, and will  
3 likely have closing arguments, and we'll move  
4 into evidence Respondent's exhibits at that time.  
5 Is that agreeable to the parties?

6 MR. THOMPSON: Yes.

7 MR. FIEWEGER: Yes.

8 HEARING OFFICER WOOD: Does anybody want to  
9 add anything?

10 MR. FIEWEGER: I don't think so.

11 HEARING OFFICER WOOD: Thank you. We are  
12 suspended for today.

13 (WHEREUPON, the proceedings  
14 were adjourned at 12:45 p.m.  
15 and continued to June 22nd,  
16 2018, at the hour of 10:00  
17 a.m.)

18  
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22  
23  
24

1 STATE OF ILLINOIS )  
2 ) SS:  
3 COUNTY OF C O O K )

4 MAUREEN A. WOODMAN, C.S.R., being first  
5 duly sworn, says that she is a court reporter  
6 doing business in the City of Chicago; that she  
7 reported in shorthand the proceedings had at  
8 the hearing of said cause; that the foregoing  
9 is a true and correct transcript of her  
10 shorthand notes, so taken as aforesaid, and  
11 contains all the proceedings of said hearing.

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A handwritten signature in cursive script, appearing to read "Maureen A. Woodman", is written over a horizontal line.

MAUREEN A. WOODMAN, CSR  
License No. 084.002740

	<b>afternoon (1)</b> 397:16	<b>appears (1)</b> 403:19	<b>408:17,24;409:2,5, 8,13;476:2</b>	<b>B</b>
<b>\$</b>	<b>again (10)</b> 399:19;402:11; 414:1;429:8; 433:23;452:17; 466:3,23;467:1; 470:5	<b>appointment (3)</b> 399:16;408:13; 429:17	<b>assignment (1)</b> 400:12	<b>back (17)</b> 407:7;408:19; 418:13;421:20; 422:24;423:2; 428:9;448:18; 455:19,22,24;456:7; 458:16;460:13; 466:19;471:19; 477:19
<b>\$925,000 (1)</b> 476:22		<b>appreciate (2)</b> 405:12;406:15	<b>assignments (1)</b> 399:23	
<b>A</b>		<b>appreciated (1)</b> 445:1	<b>assist (1)</b> 413:9	
<b>able (7)</b> 414:9,11;415:14; 416:8;418:16,19; 419:11	<b>against (1)</b> 395:3	<b>apprehend (2)</b> 442:10;461:6	<b>assisting (1)</b> 442:9	
<b>academy (15)</b> 400:2;401:7; 430:10,11,13,15,17; 431:9,13;432:7,13, 24;437:8;459:20; 467:14	<b>agency (2)</b> 436:4;437:11	<b>apprehended (1)</b> 443:18	<b>associate's (1)</b> 429:6	<b>background (1)</b> 431:22
<b>access (2)</b> 416:10,12	<b>agree (6)</b> 403:21;424:14, 18;451:19;473:16, 18	<b>approach (6)</b> 412:8;417:24; 440:21;442:23; 449:2;452:19	<b>assume (1)</b> 452:23	<b>backyard (10)</b> 397:4,7;412:4; 419:23;420:12,16, 20,22;421:1;424:21
<b>accurate (2)</b> 461:21;462:15	<b>agreeable (1)</b> 478:5	<b>approval (3)</b> 438:12,14;444:16	<b>assumption (1)</b> 426:15	<b>bad (1)</b> 467:10
<b>act (1)</b> 444:6	<b>agreed (1)</b> 477:21	<b>approved (1)</b> 439:16	<b>ATF (1)</b> 400:16	<b>barbecue (2)</b> 420:11,21
<b>action (1)</b> 457:6	<b>alleged (1)</b> 475:10	<b>approximate (1)</b> 419:10	<b>ATF/DEA (1)</b> 400:13	<b>barrier (1)</b> 460:22
<b>actions (4)</b> 457:15;464:18; 465:5,6	<b>alley (8)</b> 449:16,18,20; 450:22;451:2; 453:14,15;455:18	<b>approximately (1)</b> 433:16	<b>athletic (1)</b> 459:5	<b>based (2)</b> 398:1;451:24
<b>active (1)</b> 446:22	<b>Allison (1)</b> 395:4	<b>approximation (1)</b> 438:22	<b>attempt (1)</b> 415:23	<b>basic (2)</b> 411:7;430:18
<b>activity (2)</b> 446:18;460:12	<b>allow (3)</b> 403:14,14;450:9	<b>area (9)</b> 396:10;408:9,15, 24;409:3;425:1,2; 448:6,8	<b>attempted (4)</b> 416:12;417:9,19; 443:19	<b>basically (1)</b> 402:4
<b>Actually (12)</b> 395:23;409:10, 21;415:6;443:9; 452:24;457:5,9; 459:10;464:15; 469:23;471:18	<b>allowed (1)</b> 452:2	<b>areas (1)</b> 401:9	<b>attend (1)</b> 429:3	<b>basics (2)</b> 430:23,23
<b>ad (1)</b> 451:20	<b>almost (4)</b> 445:20,21; 458:23;467:1	<b>argue (7)</b> 423:8,20;473:9; 474:9,12;475:6,14	<b>attention (6)</b> 410:17;411:7; 418:7;419:8;458:9; 471:14	<b>basis (2)</b> 436:22;461:8
<b>add (2)</b> 406:17;478:9	<b>alone (1)</b> 475:3	<b>argument (4)</b> 423:17;424:1; 474:24;475:5	<b>attorney (3)</b> 423:20;475:18; 476:1	<b>battery (1)</b> 416:6
<b>addition (1)</b> 441:8	<b>along (1)</b> 431:23	<b>arguments (1)</b> 478:3	<b>attorneys (6)</b> 426:22,22; 475:22;476:4,6,9	<b>bear (1)</b> 436:24
<b>additional (2)</b> 434:24;437:3	<b>alongside (1)</b> 467:8	<b>armed (3)</b> 443:16,17;462:4	<b>attribute (1)</b> 406:11	<b>beat (1)</b> 403:19
<b>address (2)</b> 414:1;418:21	<b>Always (4)</b> 405:9;455:23; 459:3;468:22	<b>around (2)</b> 403:9;458:8	<b>Austin (1)</b> 400:7	<b>became (2)</b> 433:20;435:3
<b>adequate (1)</b> 416:6	<b>amount (4)</b> 467:21;474:16, 17;476:23	<b>arrest (6)</b> 437:22;438:3,6,8, 11;439:19	<b>authority (1)</b> 474:22	<b>become (1)</b> 429:13
<b>adjourned (1)</b> 478:14	<b>anchor (2)</b> 403:5,8	<b>arrests (2)</b> 438:23;441:20	<b>average (1)</b> 461:10	<b>becoming (1)</b> 434:12
<b>admitted (3)</b> 396:4;398:9,14	<b>anger (3)</b> 462:13,14,15	<b>arrive (1)</b> 430:10	<b>Award (8)</b> 441:5,7,12,14,14, 23;443:10,15	<b>began (2)</b> 456:4;462:9
<b>adult (1)</b> 459:7	<b>angry (1)</b> 462:18	<b>arrived (1)</b> 410:12	<b>awarded (5)</b> 442:6,8;443:22; 444:14;445:9	<b>beginning (1)</b> 397:23
<b>adverse (1)</b> 451:9	<b>answered (4)</b> 421:17;449:22; 451:4,24	<b>ascend (1)</b> 402:15	<b>awards (6)</b> 440:12,14,16; 441:3,10;447:7	<b>behalf (1)</b> 395:13
<b>affection (1)</b> 405:3	<b>anxiety (1)</b> 448:22	<b>assess (1)</b> 416:9	<b>aware (3)</b> 417:8,15;442:18	<b>behind (2)</b> 410:17;419:2
<b>aforesaid (1)</b> 479:10	<b>appear (6)</b> 399:18,20;405:2; 414:23;415:2;422:4	<b>asset (2)</b> 405:15,19	<b>away (1)</b> 427:6	<b>belonged (2)</b> 416:13;417:1
	<b>appeared (2)</b> 404:21;416:5	<b>assigned (15)</b> 400:2,6,10,12,19, 24;401:16,21;	<b>Aztec (1)</b> 459:16	<b>below (1)</b> 411:2
				<b>belt (1)</b> 411:4
				<b>BENIGNO (3)</b> 394:5;407:17; 408:6



<b>B-E-N-I-G-N-O (1)</b> 408:7	444:6	<b>came (4)</b> 400:1;439:17; 454:8;467:2	453:3	424:4
<b>Berkeley (1)</b> 428:11	<b>break (1)</b> 403:17		<b>change (4)</b> 412:9;425:16; 449:3;470:3	<b>clarify (1)</b> 420:6
<b>best (3)</b> 403:10;404:8; 448:17	<b>breath (2)</b> 427:23;453:9	<b>can (34)</b> 405:24;406:17; 407:11;414:1; 417:13;418:3; 420:6,10,15;422:23; 423:10;424:3; 427:19;428:22; 429:16;432:8,10,17; 440:21;444:21; 445:14;450:14; 452:9,13;463:15; 465:22,22;469:10, 11;474:9,12,19; 475:14,15	<b>changed (1)</b> 465:9	<b>class (1)</b> 434:17
<b>bet (1)</b> 404:8	<b>Brief (1)</b> 418:5		<b>charged (1)</b> 443:19	<b>classroom (1)</b> 434:18
<b>better (1)</b> 411:19	<b>briefed (1)</b> 410:13		<b>charges (1)</b> 395:2	<b>clean (1)</b> 415:17
<b>Beyond (7)</b> 422:21;423:3; 424:7,13;425:10; 426:23;473:4	<b>briefly (4)</b> 396:8;443:16; 459:10;470:15		<b>chase (10)</b> 396:13;411:12, 15;420:9;438:9; 439:6,9;472:9,13,14	<b>clear (4)</b> 408:3;439:24; 463:5;464:12
<b>big (1)</b> 463:16	<b>Bright (29)</b> 397:4,8,11;409:6; 410:2,23;419:3; 423:9,20;426:3; 453:16,20;454:15, 19;456:5,14;461:14, 19;462:9;463:21; 464:6;466:2,9; 468:8,12;469:2,7, 17;470:19	<b>canvass (1)</b> 421:16	<b>chased (1)</b> 462:4	<b>close (1)</b> 460:5
<b>bit (2)</b> 405:3;428:9		<b>car (1)</b> 454:15	<b>chases (2)</b> 462:20;472:11	<b>closing (2)</b> 475:14;478:3
<b>block (1)</b> 445:22		<b>career (7)</b> 401:8,24;402:3; 407:1;440:15; 462:5,20	<b>chasing (2)</b> 443:16;467:10	<b>collected (1)</b> 424:16
<b>board (5)</b> 410:17;441:3; 449:3,13;475:15	<b>Bright's (7)</b> 424:5;425:21; 426:7,11,13;464:10, 18		<b>cheating (1)</b> 441:2	<b>college (4)</b> 429:3,4,5,9
<b>boards (1)</b> 412:9		<b>careful (2)</b> 413:16;453:23	<b>cherry (1)</b> 402:14	<b>combination (1)</b> 441:21
<b>body (1)</b> 466:15	<b>bring (2)</b> 407:5,7	<b>case (23)</b> 395:3;396:10; 438:7;451:15,16,17, 18,22,23;452:1; 453:11;472:24; 473:6;474:3;475:3, 4,19;476:7,10,12, 16,19,21	<b>Chicago (46)</b> 399:10,11,13,23; 401:9;402:16; 403:17;404:18,22; 405:16,17,20; 406:12,23,24; 408:10;422:18; 426:20;429:13,15; 433:10;434:10,16; 435:1,4,19,22; 436:1;437:3,10; 439:14;440:10; 444:24;445:2,4,8; 446:9;459:9,11; 474:1,23;475:2,21, 23;476:5;479:6	<b>coming (3)</b> 406:16;456:6; 459:20
<b>bolts (1)</b> 433:12	<b>brings (2)</b> 402:24;444:23			<b>command (1)</b> 409:15
<b>boss (1)</b> 445:8	<b>broad (1)</b> 401:8	<b>cases (1)</b> 472:10		<b>Commander (13)</b> 398:18,21;399:7, 14;400:20,24; 402:7;404:7;407:9; 430:5;440:3,3; 446:7
<b>BP (1)</b> 395:4	<b>Bruno (2)</b> 455:14;456:11	<b>caught (2)</b> 439:7;447:5		<b>commands (2)</b> 404:10;456:13
<b>brand (1)</b> 414:9	<b>building (1)</b> 419:2	<b>cause (1)</b> 479:8	<b>chief (1)</b> 452:1	<b>commendation (4)</b> 442:7,9;444:12, 20
<b>BRANDON (80)</b> 394:;395:3,18; 397:4;401:15; 402:3,8,11,18; 403:1;404:17; 406:18;427:11,21, 22;428:4,7,10; 429:9,12,18,24; 430:16;432:15; 433:1,24;434:7,11; 435:11;436:9,20; 437:7,15;438:4,17, 21;439:11,20;440:8, 11,15;441:2,3,17, 24;442:4;443:7,13; 444:10,14;445:15; 447:8;448:9;449:6, 10,18;450:6;458:10, 17,22;459:5;460:14, 21;462:3,17;463:1, 10,20;464:5,19; 465:11,23;466:22; 467:5,24;468:4,10, 20;469:3,16	<b>bullet (1)</b> 463:15	<b>cell (1)</b> 470:2	<b>children (1)</b> 429:24	<b>commendations (15)</b> 440:12,14;441:6, 9,24;442:4,13,19, 22;444:17;445:4,9; 447:8;472:21;473:8
	<b>bureau (1)</b> 399:15	<b>cellular (6)</b> 411:23;412:2,20; 413:23;414:11; 418:10	<b>chipping (1)</b> 415:16	<b>commended (2)</b> 473:13;475:12
	<b>business (1)</b> 479:6	<b>central (3)</b> 408:9,16;409:3	<b>circle (1)</b> 413:13	<b>common (5)</b> 402:13,17; 457:11,12;458:3
	<b>busy (1)</b> 406:16	<b>certain (2)</b> 402:20;467:21	<b>circumstances (1)</b> 457:17	<b>communication (3)</b> 455:11;456:3,9
	<b>buttocks (1)</b> 411:2	<b>certainly (2)</b> 450:5,12	<b>citizens (2)</b> 406:24;445:2	<b>communications (1)</b> 397:16
	<b>C</b>	<b>certified (1)</b> 432:19	<b>City (17)</b> 399:10;417:9,16; 445:2;446:24; 451:16;473:9,11,15, 24;474:5,23;475:2, 20,23;476:5;479:6	<b>Community (1)</b> 429:5
	<b>cage (1)</b> 400:17	<b>cetera (2)</b> 417:12,18	<b>City-wide (1)</b> 441:20	<b>company (2)</b> 414:12;428:19
	<b>call (5)</b> 397:24;398:17; 449:17;458:7; 459:17	<b>chain (4)</b> 409:14;460:3,6; 461:1	<b>civilly (2)</b> 473:2,21	<b>competitive (1)</b> 459:21
	<b>called (6)</b> 398:22;407:18; 427:12;447:1,2; 451:8	<b>challenging (1)</b>	<b>claim (1)</b>	<b>complete (1)</b> 438:1
<b>Brandon's (1)</b> 403:15	<b>calls (2)</b> 434:4;459:14			<b>conceal (2)</b> 415:3;453:20
<b>bravery (1)</b>	<b>Calumet (1)</b> 401:1			<b>conclusion (1)</b>

426:14 <b>Concordia (1)</b> 428:17 <b>condition (4)</b> 415:12,13; 418:13;423:24 <b>conduct (4)</b> 421:4;439:3; 473:10,10 <b>conducted (4)</b> 410:14;421:8,16; 440:5 <b>conflict (4)</b> 445:22;446:24; 447:1,2 <b>conflicts (3)</b> 445:20,24;446:21 <b>connection (4)</b> 423:9;470:22; 472:22,23 <b>consequences (1)</b> 475:13 <b>consider (2)</b> 461:1;463:8 <b>consideration (1)</b> 406:18 <b>Constant (1)</b> 448:23 <b>constantly (2)</b> 447:3;469:23 <b>constituted (1)</b> 443:14 <b>consulted (2)</b> 476:6,9 <b>contains (1)</b> 479:11 <b>continued (2)</b> 429:10;478:15 <b>contributed (1)</b> 458:21 <b>contribution (1)</b> 445:1 <b>control (3)</b> 446:3;474:20; 475:2 <b>conversations (1)</b> 476:17 <b>Conversions (1)</b> 432:20 <b>Cook (1)</b> 397:9 <b>copy (3)</b> 396:19;397:9,12 <b>corroded (1)</b> 416:18 <b>counsel (2)</b> 423:5;424:10 <b>count (1)</b> 404:9 <b>County (2)</b> 397:10;479:2 <b>couple (6)</b> 419:19;422:14;	423:11;440:19; 441:1;459:2 <b>courage (1)</b> 444:8 <b>course (6)</b> 429:20;431:9; 446:4;459:21; 477:2,3 <b>court (1)</b> 479:5 <b>court's (1)</b> 398:1 <b>cover (6)</b> 462:24;463:3,8, 17,21,24 <b>covered (5)</b> 414:20;424:2; 449:22;451:4;469:6 <b>covers (1)</b> 445:20 <b>CPD (2)</b> 400:13;408:17 <b>credit (1)</b> 444:24 <b>crime (3)</b> 400:17;402:21; 444:23 <b>crimes (2)</b> 408:9,16 <b>criminal (1)</b> 429:7 <b>critical (1)</b> 455:10 <b>criticisms (2)</b> 435:10;462:23 <b>criticize (1)</b> 440:4 <b>Cross (7)</b> 419:15;423:23; 424:7,13;449:24; 452:21;470:14 <b>crossed (1)</b> 463:23 <b>Cross-Examination (5)</b> 394:,6;419:17; 470:16;474:10 <b>cross-examine (2)</b> 475:13;478:2 <b>CSR (1)</b> 479:4 <b>current (1)</b> 399:12 <b>currently (1)</b> 401:3 <b>custody (1)</b> 415:7	458:23;460:11; 461:8,11 <b>Dakota (34)</b> 397:4,8,11;409:6; 410:2,23;423:9; 424:4;425:20; 426:3,7,10,13; 453:15,20;454:15, 19;456:5,14;461:14, 19;462:9;463:21; 464:6,9,18;466:2,9; 468:8,12;469:2,7, 17;470:19 <b>dangerous (2)</b> 445:17;446:12 <b>dangers (1)</b> 445:14 <b>date (7)</b> 399:16;401:20; 408:13;429:17; 443:1,2;449:9 <b>day (16)</b> 406:16;408:20; 409:11;435:17,18; 436:22;442:15,20, 22;447:23;448:10; 459:1;468:22; 469:18,22,24 <b>days (1)</b> 402:5 <b>DEA (1)</b> 400:13 <b>dead (1)</b> 470:8 <b>deadly (3)</b> 396:20;397:2; 467:16 <b>dealing (1)</b> 402:20 <b>dealt (1)</b> 446:23 <b>debris (3)</b> 414:20;424:2; 425:2 <b>decent-size (1)</b> 464:4 <b>decide (1)</b> 429:12 <b>decided (1)</b> 474:6 <b>decision (3)</b> 465:3;470:4; 474:6 <b>decision-making (1)</b> 474:22 <b>decisions (1)</b> 403:10 <b>dedicated (1)</b> 444:8 <b>deep (1)</b> 427:22 <b>defend (1)</b> 476:14	<b>defending (1)</b> 476:15 <b>degraded (1)</b> 416:16 <b>degree (1)</b> 429:6 <b>demonstrate (1)</b> 466:5 <b>demonstrating (1)</b> 454:9 <b>dents (1)</b> 415:15 <b>Department (27)</b> 399:11,13,20; 401:9;402:16; 403:18;405:16,18, 20;406:12,24; 408:11;422:18; 426:20;433:10; 434:16;435:2,4,19, 22;436:1;437:4,11; 441:8;444:24; 459:9;460:12 <b>Department's (2)</b> 434:10;459:11 <b>depict (1)</b> 418:24 <b>depicted (2)</b> 419:22;425:2 <b>deployed (5)</b> 435:12,16,17; 436:8;466:1 <b>describe (6)</b> 396:8;399:22; 430:15;433:23; 461:22;472:13 <b>described (1)</b> 447:6 <b>describing (1)</b> 458:3 <b>detection (1)</b> 402:22 <b>detective (8)</b> 406:19;408:6,17; 410:19;411:6; 419:8,19;422:17 <b>deteriorated (1)</b> 416:18 <b>determine (3)</b> 417:6,11;475:15 <b>determined (1)</b> 417:21 <b>detriment (1)</b> 405:17 <b>devotion (1)</b> 444:8 <b>diagram (5)</b> 396:12;420:9,10, 16,17 <b>die (1)</b> 465:21 <b>different (8)</b> 404:10,22;	446:17;451:12; 463:17;464:23; 469:9;470:1 <b>Direct (13)</b> 394:4,9;399:3; 407:22;408:1; 410:16;424:11; 427:17;434:5; 451:15,21;471:14 <b>direction (2)</b> 450:13;470:3 <b>discharge (4)</b> 460:1,16;467:16, 20 <b>discharged (5)</b> 412:6,19;463:22; 464:16;466:1 <b>discharging (2)</b> 464:14;466:8 <b>disclosures (1)</b> 477:22 <b>discovered (1)</b> 468:7 <b>Discussion (2)</b> 477:17,20 <b>distance (2)</b> 432:14;460:2 <b>distances (2)</b> 432:6,17 <b>District (42)</b> 399:14,14;400:3, 3,7,19,21;401:1,3, 17;402:6,8,9,10,12; 433:4,7;434:10; 435:3,18,24;436:18; 437:2,16;438:4; 439:15;440:1,5; 445:13,16,18;446:2, 5,11,13,15,18,19,20; 447:16;448:4; 456:19 <b>districts (3)</b> 446:7,8,12 <b>division (1)</b> 408:17 <b>document (3)</b> 396:22;397:18,23 <b>documented (1)</b> 415:8 <b>DOD (3)</b> 442:10;446:23; 453:16 <b>done (4)</b> 403:16;452:18; 477:6,7 <b>don'ts (1)</b> 437:4 <b>door (3)</b> 421:17;473:14; 475:12 <b>dos (1)</b> 437:4 <b>double (1)</b>
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455:22 <b>doubling (1)</b> 455:19 <b>down (4)</b> 403:17;432:11; 466:22;468:2 <b>draw (1)</b> 419:8 <b>Drawing (2)</b> 418:7;465:2 <b>drive (1)</b> 405:21 <b>driving (2)</b> 449:19;450:23 <b>Drop (3)</b> 456:15,17,17 <b>Due (1)</b> 425:14 <b>duly (7)</b> 398:19,23; 407:15,19;427:9,13; 479:5 <b>dump (1)</b> 458:6 <b>dumped (2)</b> 457:4,15 <b>dumps (1)</b> 456:23 <b>duplicate (2)</b> 450:11,18 <b>duplicative (3)</b> 452:5,7,10 <b>during (7)</b> 396:21;404:15; 411:19;421:23; 456:14;471:15; 472:14 <b>duties (2)</b> 434:1;461:4 <b>duty (2)</b> 408:22;444:8	<b>Electrical (1)</b> 428:19 <b>element (1)</b> 464:24 <b>elements (1)</b> 416:16 <b>else (3)</b> 404:11;421:14; 474:13 <b>Emanuel (1)</b> 443:23 <b>embedded (1)</b> 414:23 <b>emotion (2)</b> 462:16;468:15 <b>emotions (5)</b> 448:10,22; 461:22;468:11,19 <b>employed (5)</b> 399:9,10;408:8; 445:4;475:22 <b>employment (1)</b> 475:9 <b>encounter (4)</b> 404:21;438:6,11; 458:4 <b>encountered (4)</b> 404:14,24; 463:21;464:15 <b>encountering (2)</b> 460:2,6 <b>encouraged (1)</b> 439:9 <b>end (1)</b> 433:2 <b>endurance (1)</b> 460:9 <b>energy (1)</b> 460:16 <b>enforcement (2)</b> 436:4;437:11 <b>engaged (4)</b> 436:19,23;438:5; 472:9 <b>Englewood (1)</b> 400:2 <b>enough (1)</b> 427:2 <b>entry (1)</b> 430:19 <b>environment (1)</b> 445:17 <b>erratic (1)</b> 457:22 <b>especially (1)</b> 445:24 <b>essentially (1)</b> 457:19 <b>established (1)</b> 423:17 <b>et (2)</b> 417:11,18 <b>ethic (1)</b>	405:21 <b>EVD (1)</b> 394:13 <b>Even (18)</b> 404:16;406:5,6,8, 9;431:1;437:20; 445:10;448:12; 459:6,10;463:23; 464:1,3,10,15; 469:24;475:8 <b>event (3)</b> 396:17;397:15; 473:11 <b>events (3)</b> 447:24;452:17; 453:7 <b>eventually (1)</b> 412:24 <b>everybody (3)</b> 403:9;406:10; 470:11 <b>everyday (1)</b> 447:22 <b>everyone (1)</b> 395:5 <b>evidence (21)</b> 396:4;398:5,14; 412:21,22,23;413:2, 4,4,6,10,14,19; 422:17,19;424:9,16, 16,24;457:19;478:4 <b>evident (1)</b> 420:11 <b>Examination (16)</b> 394:,,4,9;397:10; 399:3;407:22; 408:1;417:10; 422:15;426:17; 427:17;432:4; 449:23;450:3 <b>examined (3)</b> 398:23;407:19; 427:13 <b>Examiner's (1)</b> 397:10 <b>example (1)</b> 436:12 <b>exceptional (1)</b> 445:1 <b>excess (1)</b> 404:21 <b>Excused (3)</b> 407:14;427:7; 477:10 <b>exert (1)</b> 460:15 <b>exerted (2)</b> 458:14;460:15 <b>exertion (1)</b> 460:10 <b>EXHIBIT (33)</b> 394:13;396:6,9, 12,15,18,22,24;	397:1,3,6,9,12,15, 19,20,21;398:12; 410:19;412:14; 413:5,9,14;419:9, 21;420:8,11; 421:21;425:2; 441:11,15;443:8,11 <b>exhibits (7)</b> 396:1,3;398:4,8; 418:8;444:10;478:4 <b>exit (1)</b> 455:3 <b>exited (2)</b> 455:13;456:4 <b>expected (2)</b> 467:11;477:24 <b>experience (7)</b> 433:14;438:17; 442:17;448:20,22; 456:18;467:8 <b>expert (6)</b> 452:21;453:2; 455:9;458:10; 477:22;478:1 <b>explain (1)</b> 464:8 <b>explained (2)</b> 453:5;469:6 <b>exposure (1)</b> 416:19 <b>expound (1)</b> 405:24 <b>exterior (1)</b> 415:11 <b>extremely (1)</b> 464:23	<b>fast (1)</b> 466:9 <b>favor (1)</b> 465:23 <b>FBI (4)</b> 401:5,6;434:16; 437:12 <b>fear (3)</b> 448:19,22;464:19 <b>February (1)</b> 399:17 <b>feel (3)</b> 406:22;449:14; 465:19 <b>feeling (1)</b> 448:11 <b>feelings (2)</b> 462:12,13 <b>feet (5)</b> 432:20,21,22,22, 23 <b>fellow (2)</b> 433:15;434:23 <b>felt (2)</b> 462:16;468:16 <b>fence (9)</b> 460:11,20,21; 461:2,8;464:13,15; 465:13;471:17 <b>fences (1)</b> 467:9 <b>field (1)</b> 400:20 <b>FIIEWEGER (39)</b> 395:8,8,23;396:7; 398:4,15;407:11; 417:2;419:16,18; 422:12,21;424:8; 425:10;426:2,16,23; 431:20;432:1,10; 449:21;451:3; 452:5,13;469:4; 470:15,17;471:4,7, 9,12;473:7,20; 474:2,15;475:17; 476:24;478:7,10 <b>Fieweger419-422 (1)</b> 394:6 <b>Fieweger426-426 (2)</b> 394:,7 <b>Fieweger470-478 (1)</b> 394: <b>figured (1)</b> 465:17 <b>filed (1)</b> 395:2 <b>files (1)</b> 474:21 <b>fill (2)</b> 459:14,19 <b>final (1)</b> 444:15 <b>finally (1)</b>
<b>E</b>			<b>F</b>	
<b>earlier (4)</b> 396:20;433:17; 435:16;449:17 <b>East (2)</b> 418:21;447:1 <b>eastbound (1)</b> 419:4 <b>easy (2)</b> 462:1,17 <b>economic (1)</b> 474:6 <b>Eddie (1)</b> 443:24 <b>effect (2)</b> 460:1,8 <b>eight (2)</b> 430:3;441:8 <b>either (2)</b> 422:19;426:9			<b>face (2)</b> 454:6;457:22 <b>fact (7)</b> 402:19;405:24; 407:1;425:14; 429:21;438:3; 440:18 <b>facts (1)</b> 437:21 <b>factual (1)</b> 452:17 <b>Fair (12)</b> 427:2;432:14; 435:20;437:18,19; 454:16;455:7,11; 457:11;466:6; 473:12,17 <b>Family (6)</b> 405:9,10;428:12; 430:6;470:5,5 <b>family-oriented (1)</b> 405:11 <b>fashion (1)</b> 437:21	

443:3 <b>find (3)</b> 405:15,16,19 <b>fine (3)</b> 432:2;453:12; 454:7 <b>fire (2)</b> 467:23;468:1 <b>firearm (15)</b> 411:23;412:7,19; 431:9,14,17;432:18; 453:16,21;460:1; 463:22;464:14,16; 466:1;468:13 <b>fired (7)</b> 420:4;448:1,24; 465:4;467:2,4; 468:7 <b>firing (1)</b> 397:14 <b>first (7)</b> 398:23;407:19; 409:10;427:13; 429:12;431:6;479:4 <b>fitness (1)</b> 430:24 <b>five (2)</b> 458:24;459:4 <b>five-foot (2)</b> 460:21;461:2 <b>Flanking (1)</b> 441:23 <b>flinch (1)</b> 467:2 <b>flip-up (1)</b> 415:20 <b>floated (1)</b> 458:8 <b>focus (1)</b> 458:9 <b>focused (2)</b> 464:6,9 <b>follow (3)</b> 402:15;411:15; 476:10 <b>followed (1)</b> 419:6 <b>following (2)</b> 396:16;471:16 <b>follows (3)</b> 398:24;407:20; 427:14 <b>foot (26)</b> 411:11,15; 436:14,19,23;437:5, 9,14,17;438:2,5,8, 23;439:4,6,8;440:6; 450:7;456:20,21; 462:9,19;472:9,12, 14,18 <b>footage (1)</b> 418:20 <b>force (7)</b>	396:20;397:2; 400:13,14;435:2; 436:5;467:16 <b>foregoing (1)</b> 479:8 <b>forensic (4)</b> 397:13;412:24; 415:9;417:10 <b>Forget (1)</b> 449:16 <b>formal (3)</b> 434:11,14,18 <b>forth (1)</b> 467:9 <b>forward (1)</b> 407:1 <b>found (1)</b> 423:24 <b>free (2)</b> 446:2;449:14 <b>frequent (1)</b> 447:19 <b>front (2)</b> 434:5;464:13 <b>frustrated (4)</b> 461:15,23;462:2, 5 <b>frustration (2)</b> 461:20,21 <b>FTOs (1)</b> 433:15 <b>fully (1)</b> 473:14 <b>further (2)</b> 425:22,23	<b>Gennaco's (2)</b> 436:13;462:23 <b>gentleman (2)</b> 407:10;419:14 <b>geographical (1)</b> 446:1 <b>gets (3)</b> 452:10;474:9; 475:12 <b>Gino (2)</b> 456:7,11 <b>given (2)</b> 411:16;457:18 <b>gives (1)</b> 406:8 <b>global (1)</b> 428:20 <b>goalkeeper (1)</b> 459:18 <b>God (1)</b> 470:7 <b>goes (4)</b> 424:7;438:12; 463:14;471:18 <b>golf (1)</b> 446:4 <b>Good (7)</b> 395:1,12;415:13; 439:8,8;458:19; 465:12 <b>Google (1)</b> 396:11 <b>Gotti (1)</b> 447:2 <b>governing (1)</b> 396:19 <b>GRACE (42)</b> 395:12,13,22; 398:7,17;399:2,4; 406:15;407:4,9,24; 408:2;412:8,11; 413:18;414:5,17,18; 417:5,24;418:3,6; 419:13;422:14,16; 423:5,15,19;424:1, 14,20;425:13,22; 426:18;427:2,4; 431:22;432:8,10; 451:14;474:4,11 <b>G-R-A-C-E (1)</b> 395:13 <b>Grace399-408 (1)</b> 394:4 <b>Grace408-419 (1)</b> 394: <b>Grace422-426 (1)</b> 394: <b>Grace's (1)</b> 432:4 <b>graduate (2)</b> 401:6;429:1 <b>graduated (3)</b> 429:9;431:13;	432:24 <b>grass (1)</b> 422:2 <b>grassy (1)</b> 425:1 <b>gravitate (1)</b> 403:13 <b>great (2)</b> 444:7,23 <b>grew (1)</b> 428:11 <b>grill (3)</b> 463:6,8,18 <b>ground (2)</b> 414:24;468:2 <b>group (1)</b> 396:15 <b>grow (1)</b> 428:10 <b>guardrail (4)</b> 460:3,7;461:2,8 <b>guess (2)</b> 411:18;468:16 <b>Gun (20)</b> 400:11;402:22; 441:21;448:24; 456:15,17,17,22,23, 24;457:3,4,5,7,8,16; 458:6,7;465:16; 466:18 <b>guns (1)</b> 434:4 <b>guy (3)</b> 439:7;455:24; 456:1 <b>guys (3)</b> 455:22;457:18; 467:10	<b>hear (2)</b> 406:6;435:14 <b>heard (11)</b> 430:5;435:6,9; 436:13;445:13; 446:7;452:21; 455:9;458:13,15; 474:19 <b>HEARING (81)</b> 395:1,5,16,20; 396:3;398:3,6,8,16; 399:1;407:13,23; 412:10;413:17,24; 414:4,16;417:4; 418:2;419:15; 422:13,23;423:3,13, 16,22;424:6,12,19; 425:12,23;427:1,3, 5,15;431:23;432:2, 9;440:21,23; 442:24;443:5; 449:4;450:1,9,17; 451:11;452:3,6,20; 453:4,9,19,23; 454:3;465:24; 469:5,11;470:14; 473:16,18;474:8,12, 17,24;475:5,9,11; 477:1,3,5,8,11,14, 15,19,23;478:8,11; 479:8,11 <b>helping (2)</b> 407:2;442:9 <b>herein (3)</b> 398:22;407:18; 427:12 <b>hesitates (2)</b> 471:18,19 <b>hesitation (1)</b> 404:19 <b>hide (1)</b> 415:3 <b>high (4)</b> 428:23,24;441:9; 459:21 <b>higher (1)</b> 438:15 <b>highest (1)</b> 441:10 <b>highlight (1)</b> 440:18 <b>hobbies (1)</b> 459:5 <b>hold (1)</b> 474:18 <b>holding (3)</b> 454:21;464:7; 473:7 <b>home (1)</b> 455:24 <b>homicide (2)</b> 442:11,11 <b>honest (3)</b>
	<b>G</b>		<b>H</b>	
	<b>gang (12)</b> 400:8;402:21; 406:21;434:6; 442:10;445:19,21, 22;446:2,18;447:1,1 <b>gangs (3)</b> 402:21;434:3; 446:6 <b>gave (8)</b> 443:2,3;470:21, 23,24;471:1,15,21 <b>general (5)</b> 396:19;397:1; 439:7;448:6,8 <b>generally (2)</b> 430:15;431:20 <b>generate (1)</b> 438:11 <b>generated (2)</b> 438:22;439:5 <b>Gennaco (10)</b> 435:6,9;458:11, 13;460:10,19; 461:12;462:7; 463:6;467:7		<b>hand (7)</b> 420:7;443:9; 444:9;449:6; 452:11;453:17; 466:18 <b>handed (1)</b> 415:9 <b>handgun (2)</b> 455:1;465:2 <b>hands (3)</b> 457:21,23;458:1 <b>Hanover (1)</b> 459:15 <b>happened (8)</b> 410:10;428:1; 439:19,22;451:21; 457:10;470:10; 475:14 <b>happens (2)</b> 422:20;438:10 <b>hard (1)</b> 466:14	

405:2,14;470:7 <b>honestly (1)</b> 464:3 <b>honesty (3)</b> 405:23;406:2,4 <b>Honor (3)</b> 418:4;442:23; 473:7 <b>hope (1)</b> 450:4 <b>hopefully (1)</b> 462:22 <b>hopping (3)</b> 460:7,7;467:9 <b>hour (1)</b> 478:16 <b>houses (1)</b> 426:10 <b>human (1)</b> 448:14 <b>hundreds (3)</b> 439:1;457:10; 462:4	448:7;449:9;450:7; 472:23;473:3,22 <b>incidents (1)</b> 448:4 <b>include (2)</b> 437:21;438:3 <b>included (2)</b> 431:9;437:12 <b>Indiana (6)</b> 410:6;414:3; 419:23;421:11,15; 424:22 <b>indicated (5)</b> 408:15;420:12; 472:8,11,20 <b>individual (3)</b> 405:9,14;444:7 <b>individually (1)</b> 476:2 <b>indulge (1)</b> 428:22 <b>inference (1)</b> 474:7 <b>infested (1)</b> 446:6 <b>inform (1)</b> 476:20 <b>information (5)</b> 416:10,12; 417:11,18;471:16 <b>initially (2)</b> 456:22;457:3 <b>innocent (1)</b> 447:4 <b>in-progress (1)</b> 434:4 <b>inscribed (2)</b> 444:1,17 <b>inscription (1)</b> 444:20 <b>inside (2)</b> 416:10,12 <b>insights (1)</b> 452:15 <b>instances (1)</b> 457:13 <b>instruct (2)</b> 433:11;467:20 <b>intention (1)</b> 450:13 <b>interrupt (1)</b> 414:1 <b>interview (2)</b> 410:15;421:8 <b>interviewed (4)</b> 421:3,10,14,18 <b>into (17)</b> 396:4;398:5,14; 423:6;424:9,15; 432:20;436:3; 439:1,6;444:3,19; 451:7;455:1;459:7; 473:12;478:4	<b>inventoried (1)</b> 425:5 <b>inventory (1)</b> 425:8 <b>investigate (1)</b> 409:5 <b>investigation (7)</b> 396:17;406:21; 411:20;418:17; 421:5,23;470:22 <b>investigator (2)</b> 413:1;415:9 <b>investigators (1)</b> 426:21 <b>involved (10)</b> 409:9;437:14,17; 438:2,4;456:21; 470:11;472:12,23; 476:15 <b>IPRA (5)</b> 470:21,23;471:1, 15,21 <b>issue (3)</b> 396:10,14;434:7 <b>issued (1)</b> 473:8 <b>issues (1)</b> 450:16	<b>July (2)</b> 471:1,7 <b>jumping (2)</b> 424:6;461:10 <b>June (4)</b> 429:19;477:22, 23;478:15 <b>justice (1)</b> 429:7	403:6,7 <b>leading (3)</b> 431:21;451:9; 459:24 <b>leagues (1)</b> 459:14 <b>learn (6)</b> 411:7;430:19; 433:14,15;436:7; 457:4 <b>learned (5)</b> 410:4;411:11; 434:22;436:10,12 <b>learning (2)</b> 431:6;468:11 <b>least (4)</b> 439:13,20;453:6; 467:11 <b>leaves (2)</b> 414:20;422:2 <b>leeway (2)</b> 450:14,18 <b>left (7)</b> 437:7;454:11,21; 464:7,10;465:1,15 <b>level (1)</b> 430:19 <b>License (1)</b> 479:16 <b>lieutenant (4)</b> 400:18,20,21; 438:16 <b>life (8)</b> 416:6;441:13; 459:7;464:20; 468:15,22,23; 469:22 <b>life-saving (2)</b> 441:7,11 <b>liked (1)</b> 453:2 <b>likely (1)</b> 478:3 <b>line (2)</b> 434:5;471:14 <b>listing (1)</b> 397:16 <b>literally (1)</b> 445:21 <b>little (9)</b> 405:3;428:9; 450:14,18;452:7,9; 453:3;454:3;466:7 <b>lived (3)</b> 421:11;426:6,9 <b>lo (1)</b> 412:16 <b>locate (2)</b> 418:17,19 <b>located (8)</b> 397:5,8;420:3,16; 424:21;455:15,17, 18
<b>I</b>			<b>K</b>	
<b>ID (1)</b> 394:13 <b>idea (1)</b> 466:15 <b>identified (1)</b> 421:23 <b>identify (9)</b> 395:6;411:18; 412:23;413:3; 414:9,11;417:17; 425:9;442:10 <b>identifying (1)</b> 413:20 <b>Illinois (3)</b> 397:13;428:11; 479:1 <b>image (1)</b> 396:9 <b>immediately (3)</b> 396:16;397:7; 464:13 <b>impacts (1)</b> 444:22 <b>impeachment (2)</b> 396:23,23 <b>impeccable (1)</b> 405:21 <b>Implicitly (1)</b> 403:3 <b>important (5)</b> 441:4,15;442:3; 454:18,22 <b>improper (1)</b> 474:4 <b>incident (10)</b> 397:17;401:20; 409:11;442:5;			<b>keen (1)</b> 432:4 <b>Keep (1)</b> 432:21 <b>Kelly (2)</b> 409:13;410:13 <b>KEVIN (3)</b> 394:;398:21; 399:7 <b>kids (1)</b> 405:10 <b>killed (2)</b> 468:8,12 <b>kind (11)</b> 402:17,18; 403:11;430:16; 441:2;445:22; 448:10,18;452:6; 458:17;459:2 <b>Knew (2)</b> 410:1;470:6 <b>knowledge (3)</b> 402:21;403:15; 447:14 <b>knows (1)</b> 470:7 <b>Kuwait (1)</b> 446:24	
		<b>J</b>		<b>L</b>
		<b>Jackson (1)</b> 398:1 <b>Jayden (1)</b> 430:3 <b>Jim (4)</b> 395:8,14;471:4,5 <b>Jim's (1)</b> 415:20 <b>job (9)</b> 400:1;403:16,23; 430:7;433:15; 434:22;437:16; 462:6,20 <b>JOHNSON (7)</b> 394:;398:18,21; 399:7;440:3; 443:24;446:8 <b>J-O-H-N-S-O-N (1)</b> 399:8 <b>Johnson's (1)</b> 430:5 <b>joining (1)</b> 395:15 <b>joint (1)</b> 400:14 <b>Judge (10)</b> 395:22;407:24; 412:8;418:1;423:5; 427:4;451:14; 474:4,5,18 <b>judges (1)</b> 426:22	<b>large (1)</b> 445:18 <b>Last (8)</b> 395:18;417:24; 462:22,22;465:13, 16;469:12;471:17 <b>later (1)</b> 457:4 <b>law (5)</b> 395:14;430:22, 23;436:3;437:11 <b>lawsuit (1)</b> 474:21 <b>lawyers (1)</b> 474:5 <b>lead (1)</b> 450:15 <b>leader (2)</b> 403:11,20 <b>leaders (2)</b>	

<b>locating (1)</b> 413:10 <b>location (8)</b> 410:5,8;412:17; 413:4,22;415:4; 419:10;421:18 <b>locked (1)</b> 399:19 <b>logical (1)</b> 424:1 <b>long (7)</b> 402:2;408:16; 416:23;423:7; 424:3;429:16; 439:10 <b>look (7)</b> 410:18;412:12; 413:8;414:7; 419:21;421:18,21 <b>looked (2)</b> 415:17;470:1 <b>looking (3)</b> 412:17;418:9; 471:13 <b>looks (3)</b> 413:7;422:2; 471:19 <b>Loose (1)</b> 411:2 <b>lost (1)</b> 460:14 <b>lot (10)</b> 424:7;431:3,4; 441:22;446:23; 448:18;455:22; 457:19;458:7; 463:11 <b>loud (1)</b> 408:3 <b>love (2)</b> 401:13;405:12 <b>lovely (1)</b> 429:20 <b>lurking (1)</b> 445:14 <b>lying (1)</b> 412:20	405:9 <b>manager (1)</b> 428:20 <b>manner (2)</b> 440:4;454:20 <b>many (10)</b> 401:9;404:5,12, 14;428:12;438:20; 439:10;440:14; 462:19;467:4 <b>map (3)</b> 445:20,21;446:1 <b>Maps (1)</b> 396:11 <b>March (2)</b> 408:14;471:22 <b>mark (1)</b> 449:13 <b>marked (7)</b> 396:21;397:19; 412:13;418:8; 420:8;443:8;444:10 <b>marker (8)</b> 412:21,22,22; 413:2,6,10,14,19 <b>Marquette (3)</b> 418:22;419:4; 448:5 <b>married (1)</b> 429:21 <b>math (1)</b> 399:19 <b>matter (3)</b> 395:2;419:11; 433:18 <b>MATTHEW (3)</b> 394:5;407:17; 408:6 <b>MAUREEN (2)</b> 479:4 <b>may (6)</b> 399:1;407:10,23; 427:15;442:23; 449:2 <b>maybe (3)</b> 459:2;469:10; 470:2 <b>Mayor (2)</b> 443:23;445:11 <b>mean (18)</b> 403:6;405:10; 415:18;416:4; 439:8,24;445:23; 446:22;447:23; 448:12,13,14; 452:15;457:22; 458:23;465:15,16; 470:5 <b>means (1)</b> 438:14 <b>mechanics (1)</b> 411:8 <b>Medal (3)</b>	441:23;444:1; 445:10 <b>Medical (1)</b> 397:10 <b>member (2)</b> 408:10;442:10 <b>members (6)</b> 405:12;406:7; 435:12;443:19; 447:12,15 <b>membership (1)</b> 402:22 <b>mentioned (1)</b> 428:15 <b>meritorious (1)</b> 406:19 <b>met (2)</b> 410:12;429:20 <b>metal (1)</b> 463:12 <b>mic (6)</b> 407:13;413:17; 414:16,17;427:6; 453:24 <b>Michael (1)</b> 409:12 <b>mid (1)</b> 466:24 <b>middle (1)</b> 447:5 <b>miles (2)</b> 458:24;459:4 <b>mind (4)</b> 461:18;463:24; 464:11;471:10 <b>mine (1)</b> 471:11 <b>modern (2)</b> 415:21,22 <b>mom (2)</b> 428:13,17 <b>moment (7)</b> 418:3;446:15,22; 448:12;465:5; 468:15;469:18 <b>moments (2)</b> 419:4;459:24 <b>money (1)</b> 474:7 <b>Month (3)</b> 441:7,18,22 <b>months (1)</b> 431:3 <b>more (11)</b> 404:16;419:7; 446:11,13;447:17, 20;465:23;466:21, 21;468:1;470:12 <b>morning (3)</b> 395:1,12;427:24 <b>most (5)</b> 441:20;454:18, 22;457:17,17	<b>motion (2)</b> 454:6;466:15 <b>mouth (2)</b> 451:2;453:15 <b>move (9)</b> 395:24;398:4; 417:2;424:18; 431:23;440:8; 445:12;468:3;478:3 <b>moved (1)</b> 422:6 <b>movement (2)</b> 466:24;471:20 <b>moving (4)</b> 407:1;466:4,4,16 <b>much (5)</b> 453:2;460:16; 472:19;475:3,15 <b>mud (1)</b> 416:19 <b>multiple (3)</b> 436:22;470:24; 476:4 <b>murder (3)</b> 409:2;443:19; 447:4 <b>must (1)</b> 439:13 <b>myself (3)</b> 399:19;470:4; 473:24	474:7 <b>neighbor (1)</b> 400:7 <b>neighborhood (1)</b> 396:13 <b>Neighborhoods (1)</b> 400:11 <b>new (1)</b> 468:4 <b>next-door (1)</b> 426:9 <b>nine (1)</b> 471:14 <b>nobody (5)</b> 421:14;422:6; 426:6,9,13 <b>nonresponsive (1)</b> 417:3 <b>north (1)</b> 402:1 <b>Nos (3)</b> 394:14;398:13; 418:8 <b>note (1)</b> 396:20 <b>noted (1)</b> 438:9 <b>notes (1)</b> 479:10 <b>November (15)</b> 401:21;408:20; 418:14;428:6,7; 435:12;436:8; 449:10;457:14; 458:16;460:13; 468:6;469:15,16,19 <b>nuisance (1)</b> 474:7 <b>number (6)</b> 395:4;408:7; 421:3;470:23; 474:21;475:1 <b>nuts (1)</b> 433:11
<b>M</b>			<b>N</b>	
<b>ma'am (1)</b> 398:7 <b>mad (5)</b> 462:8,8,14,15,18 <b>Madam (4)</b> 431:23;440:21; 465:24;477:14 <b>Majority (2)</b> 446:5;448:5 <b>makes (3)</b> 395:24;445:16; 471:20 <b>man (1)</b>			<b>name (7)</b> 395:4,12,18; 399:5;408:4; 427:20;430:2 <b>names (1)</b> 459:15 <b>narcotics (3)</b> 400:15,15;406:22 <b>National (1)</b> 401:7 <b>natural (1)</b> 449:1 <b>nature (2)</b> 431:21;448:14 <b>nauseam (1)</b> 451:20 <b>necessarily (1)</b> 406:12 <b>necessary (1)</b> 406:23 <b>need (5)</b> 413:8;430:20; 449:12;453:10; 468:1 <b>needed (1)</b> 459:18 <b>needs (1)</b> 407:2 <b>negative (1)</b>	<b>object (6)</b> 424:8;431:21; 432:8;450:19; 452:14,16 <b>objection (15)</b> 398:6;417:2; 422:21;424:17; 425:10;426:23; 432:1;449:21; 451:3,24;469:4; 473:4,19,23;474:5 <b>obscured (4)</b> 422:1,9;423:21; 425:15 <b>observation (2)</b> 454:19,23

<b>observations (1)</b> 410:24 <b>observe (1)</b> 457:5 <b>observed (7)</b> 411:3;414:14,19; 419:3,5;453:20; 465:7 <b>obstacle (1)</b> 461:3 <b>obvious (1)</b> 415:15 <b>obviously (2)</b> 404:12;413:19 <b>occasion (1)</b> 439:13 <b>occurred (3)</b> 411:8;448:4,7 <b>occurs (1)</b> 450:8 <b>October (1)</b> 443:3 <b>OEMC (1)</b> 397:22 <b>off (7)</b> 406:16;407:13; 438:18;448:5; 477:15,17,20 <b>offender (11)</b> 410:22;417:1; 419:3;425:20; 443:17,17;456:22, 22;457:3;461:6; 468:2 <b>offenders (2)</b> 457:15;462:4 <b>offered (1)</b> 437:10 <b>OFFICER (151)</b> 395:1,3,5,16,20; 396:3;397:14; 398:3,6,8,16;399:1, 24;400:4,4;401:12, 14,17;402:15,19; 403:2;404:18; 407:13,23;409:20; 410:15;412:6,10,19; 413:17,24;414:4,16; 417:4;418:2;419:5, 5,15;420:3;422:13, 19,23;423:3,13,16, 22;424:6,12,19; 425:12,23;427:1,3, 5,15,19;429:14,16; 430:18,20;431:23; 432:2,9;433:7,12, 21;434:1,9,9,12,20, 21;435:3,19,24; 436:19;437:2,16; 438:4,5;439:11,14, 15,17;440:2,6,11, 22,23;441:7,18; 442:17,24;443:5,20;	444:4;445:5,8; 448:3,15;449:4; 450:1,6,9,17;451:1, 11;452:3,6,20; 453:4,9,18,19,23; 454:3;455:2,6,14, 14,21;456:10,19; 457:13;461:9; 465:24;469:5,11; 470:14,18;471:13; 473:16,18;474:8,12, 17,20,22,24;475:5, 11;477:1,3,5,8,11, 14,15,19;478:8,11 <b>officer-involved (1)</b> 450:8 <b>officer-related (1)</b> 439:3 <b>officers (14)</b> 402:7;403:13,19; 404:5,13,14,22; 433:15;434:23; 436:10;442:18; 447:15,24;467:9 <b>often (8)</b> 436:17;447:20, 20;448:20,21; 457:2;461:7;468:19 <b>old (6)</b> 428:3,5,6,8;430:2, 4 <b>once (9)</b> 416:8,11;431:16; 437:24;439:20; 466:3,23;467:1,6 <b>one (21)</b> 396:8;402:6; 404:23;406:17; 409:10,17;413:2; 417:24;418:3; 419:7;426:10; 439:13;442:5; 462:22;465:22; 466:21,21;467:23; 471:5,5;472:20 <b>ones (2)</b> 403:10;441:10 <b>ongoing (1)</b> 447:2 <b>only (5)</b> 423:23;448:14, 24;467:23;470:7 <b>opened (1)</b> 475:11 <b>opens (1)</b> 473:14 <b>opinion (7)</b> 403:19;405:22; 416:15,22,24; 425:16,19 <b>opportunity (5)</b> 411:14;414:7; 424:10;451:6,22	<b>order (2)</b> 396:19;397:1 <b>organized (1)</b> 400:17 <b>others (2)</b> 405:13;407:3 <b>other's (1)</b> 448:17 <b>out (8)</b> 396:6;398:2; 400:1;406:5;407:2; 409:3;459:3;467:3 <b>outside (1)</b> 447:15 <b>outstanding (2)</b> 444:6,21 <b>over (20)</b> 402:1,8;404:9; 407:5;415:9;450:2, 4;451:20;452:16; 460:7,7,11;461:5,5, 7,11;465:13;471:17, 18;473:2 <b>overall (1)</b> 446:5 <b>overhead (1)</b> 396:9 <b>Overruled (2)</b> 473:18,19 <b>own (4)</b> 445:17;449:19; 451:7;464:19 <b>owner (1)</b> 425:9 <b>ownership (7)</b> 417:11,17;423:6, 12,14,18;425:16	<b>parties (2)</b> 477:21;478:5 <b>partner (2)</b> 395:14;455:5 <b>passed (1)</b> 424:11 <b>passenger (1)</b> 450:22 <b>password (1)</b> 416:14 <b>path (3)</b> 396:13;411:15; 420:9 <b>patrol (3)</b> 399:15;434:8,20 <b>pause (1)</b> 418:5 <b>pen (3)</b> 413:13;449:7; 453:22 <b>people (6)</b> 406:6,14;421:3; 428:12;439:9;447:5 <b>performing (1)</b> 461:3 <b>perhaps (1)</b> 463:7 <b>period (2)</b> 404:13,15 <b>periodically (1)</b> 459:19 <b>person (3)</b> 405:11;448:24; 468:12 <b>personal (4)</b> 444:7;462:6,13, 21 <b>personally (7)</b> 405:4,7,8;409:22; 436:21;442:21; 476:3 <b>perspective (1)</b> 451:6 <b>phone (44)</b> 411:24;414:6,12, 14,19;415:7,12,18, 21,21,22,24;416:5, 9,10,11,13,15,22; 417:10,17;420:19; 421:22;423:7,9,11, 14,18,21,24;424:2, 3,4,21;425:1,5,9,14, 17;426:4,7,11,14; 470:2 <b>photograph (4)</b> 397:3,6;422:3,7 <b>photographs (2)</b> 396:16;449:13 <b>phrase (1)</b> 458:3 <b>physical (4)</b> 415:7;430:24; 458:17,22	<b>physically (1)</b> 458:20 <b>pick (3)</b> 402:14;441:1; 466:12 <b>picture (7)</b> 410:21,22;411:3; 419:7;420:2; 422:10;425:15 <b>piece (1)</b> 422:17 <b>pitched (4)</b> 456:24;457:4,7,8 <b>itches (1)</b> 456:23 <b>place (5)</b> 396:19;409:12; 410:5;412:23; 413:22 <b>placed (1)</b> 464:19 <b>play (1)</b> 459:8 <b>played (3)</b> 459:6,10,21 <b>please (8)</b> 399:5,22;406:9; 408:4;427:5; 432:11;449:14; 453:18 <b>pm (1)</b> 478:14 <b>point (7)</b> 401:23;415:6,23; 424:18;446:23; 450:6;468:6 <b>Police (80)</b> 395:3;397:13; 399:11,13,23;400:4; 401:9,12;402:16,19; 403:1,18;404:18,22; 405:16,17,20; 406:12,23;408:10; 409:6;419:6; 422:18;426:20; 429:13,15;430:9,11, 13,14,17,18,20; 431:8,13;432:7,13, 24;433:7,8,10,12, 20;434:1,9,10,12, 14,16,21;435:1,4, 19,22,24;436:1; 437:3,10;439:11,14; 440:10;441:6,18,22; 443:20;444:21,24; 445:5,8;448:1,15; 456:16,17;459:9,11; 460:12;461:4,9; 467:14;475:15 <b>portion (3)</b> 398:2;417:3; 446:2 <b>position (4)</b>
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399:12;452:22, 23;453:5 <b>possibly (1)</b> 424:4 <b>postmortem (1)</b> 397:10 <b>power (3)</b> 415:24;416:2,8 <b>powered (1)</b> 416:11 <b>powers (1)</b> 433:8 <b>praised (1)</b> 439:7 <b>prejudicial (1)</b> 475:7 <b>prepare (1)</b> 426:19 <b>prepared (3)</b> 421:7;472:1,4 <b>presented (1)</b> 451:10 <b>president (1)</b> 428:18 <b>pretty (5)</b> 415:17;441:9; 445:23;465:12; 472:19 <b>prevention (1)</b> 444:23 <b>previously (3)</b> 397:19;412:13; 465:7 <b>prior (7)</b> 406:20;409:19; 457:14;459:20; 460:16;464:14; 466:8 <b>prison (1)</b> 443:21 <b>probably (6)</b> 446:4,14;452:10; 457:10;458:23; 468:14 <b>probationary (1)</b> 433:7 <b>proceed (5)</b> 395:21,23;399:1; 407:23;427:15 <b>proceedings (4)</b> 396:21;478:13; 479:7,11 <b>process (2)</b> 424:15;476:15 <b>processing (2)</b> 424:9,15 <b>progress (1)</b> 476:7 <b>project (1)</b> 400:11 <b>promoted (4)</b> 400:5,18,23; 402:7	<b>promotion (1)</b> 406:19 <b>proper (1)</b> 451:24 <b>properly (1)</b> 423:6 <b>protect (1)</b> 470:4 <b>protected (1)</b> 416:14 <b>provide (1)</b> 471:16 <b>provided (2)</b> 414:12;435:1 <b>Proviso (1)</b> 428:24 <b>public (1)</b> 444:22 <b>pulling (2)</b> 467:3;470:2 <b>punches (1)</b> 466:17 <b>punching (1)</b> 467:3 <b>purpose (2)</b> 467:15;469:10 <b>pursued (1)</b> 472:17 <b>pursuing (2)</b> 461:14,19 <b>pursuit (15)</b> 436:23;437:5,15, 17;438:2,5,24; 440:6;450:7;456:5, 14,21;460:2; 462:10;464:22 <b>pursuits (5)</b> 436:15,19;437:9; 439:4;456:20 <b>put (8)</b> 421:20;451:6,15, 16,16,17,22,23	<b>Raise (1)</b> 458:1 <b>rallies (1)</b> 403:9 <b>ran (2)</b> 455:24;458:23 <b>rank (6)</b> 400:6,18,24; 403:20;404:17; 406:19 <b>ranks (1)</b> 402:16 <b>rare (1)</b> 406:11 <b>Razo (4)</b> 449:18;450:23; 454:14;455:2 <b>Razo's (1)</b> 419:6 <b>reached (3)</b> 426:14;464:24; 465:15 <b>reaching (3)</b> 469:3,8,17 <b>reacted (3)</b> 463:24;466:17,24 <b>reaction (1)</b> 467:2 <b>read (4)</b> 422:23;423:1; 444:3,19 <b>readily (1)</b> 422:10 <b>readjusts (1)</b> 471:18 <b>ready (1)</b> 395:21 <b>real (2)</b> 457:22,22 <b>really (8)</b> 406:8;415:13; 445:18;447:17; 451:5;453:10; 458:19;469:24 <b>rear (1)</b> 410:5 <b>reason (1)</b> 424:8 <b>reassigned (2)</b> 401:2;402:10 <b>reassignment (1)</b> 406:21 <b>rebut (2)</b> 423:10;451:18 <b>recall (7)</b> 408:20;412:1; 415:14;421:13; 422:3;459:15; 476:23 <b>receive (4)</b> 430:16;434:11; 437:1,2 <b>received (8)</b>	440:11,15;442:5, 12,14,19;445:3; 472:22 <b>receiving (1)</b> 443:14 <b>recent (1)</b> 402:5 <b>Recess (1)</b> 427:8 <b>recognition (1)</b> 444:5 <b>recognitions (1)</b> 440:12 <b>recognize (1)</b> 444:11 <b>recognized (1)</b> 473:9 <b>record (22)</b> 395:6;396:5,8,20; 399:6;408:5; 420:15;427:19,20; 440:1;442:24; 444:3,19;453:6,7; 463:5;464:12; 474:20;477:15,18, 20,20 <b>recover (2)</b> 411:18;419:11 <b>recovered (6)</b> 412:3,4,24; 418:11;422:18; 424:24 <b>recovery (1)</b> 441:21 <b>Recross-Examination (2)</b> 394:7;426:1 <b>redacted (1)</b> 398:2 <b>Redirect (6)</b> 394:.,;422:13,15; 426:17;477:1 <b>redundant (1)</b> 413:20 <b>referencing (1)</b> 463:6 <b>referred (4)</b> 460:10,19,22; 461:12 <b>reflected (1)</b> 443:10 <b>regard (1)</b> 444:6 <b>regarding (6)</b> 397:1,11,13; 421:7;433:11; 434:12 <b>regular (1)</b> 409:14 <b>related (1)</b> 462:13 <b>relates (2)</b> 461:3,19 <b>relations (1)</b>	400:8 <b>relative (14)</b> 434:19;435:2,10, 23;436:14;437:4,9; 438:6,11,22;439:3; 460:15;468:11; 475:9 <b>relevant (2)</b> 473:6;475:9 <b>relied (1)</b> 426:21 <b>relieves (1)</b> 448:18 <b>rely (1)</b> 448:16 <b>remember (12)</b> 429:16;451:8; 460:20,23;461:15; 462:10,11,24;463:2; 467:12,13;472:5 <b>repeat (1)</b> 417:13 <b>repeated (1)</b> 456:16 <b>repeatedly (1)</b> 456:15 <b>rephrase (2)</b> 469:10,11 <b>replicate (1)</b> 466:24 <b>report (13)</b> 397:11,13,15; 421:19;426:19; 437:18,24;438:8,8, 9,10;439:5,15 <b>reported (1)</b> 479:7 <b>reporter (1)</b> 479:5 <b>reports (8)</b> 421:7;438:18,20; 439:4;472:1,4,8,10 <b>represent (1)</b> 476:2 <b>represented (2)</b> 475:18,20 <b>reproduction (1)</b> 396:9 <b>reputation (1)</b> 405:23 <b>request (1)</b> 402:14 <b>requirements (1)</b> 430:24 <b>residence (4)</b> 420:24;421:1,11, 15 <b>resident (1)</b> 419:1 <b>respect (10)</b> 404:18;405:22; 411:1;425:16; 435:10;436:4;
	<b>Q</b>			
	<b>qualify (3)</b> 431:12,17;432:6 <b>query (1)</b> 397:15 <b>quick (3)</b> 419:19;423:11; 463:24 <b>quickly (2)</b> 421:20;465:1 <b>quite (1)</b> 447:23			
	<b>R</b>			
	<b>radio (3)</b> 397:16;456:3,6 <b>Rahm (1)</b> 443:23			



447:14;448:2; 460:3,8 <b>respond (1)</b> 448:1 <b>Respondent (6)</b> 395:13,16; 412:13;413:8,13; 477:22 <b>Respondent's (3)</b> 419:9;478:1,4 <b>responding (1)</b> 448:23 <b>response (1)</b> 439:2 <b>responsibilities (2)</b> 434:2;436:18 <b>rest (2)</b> 396:2;468:23 <b>rests (1)</b> 398:10 <b>result (3)</b> 473:11,15,21 <b>resume (1)</b> 477:23 <b>returned (1)</b> 437:8 <b>ridiculous (1)</b> 404:7 <b>right (27)</b> 409:15;410:18; 411:12;415:21; 423:10,15;424:1; 430:9;431:2;434:7; 443:7;444:9; 450:20;451:14,18, 21;452:20;453:17; 454:5;456:2; 463:12,14,15,17,22; 464:9;468:8 <b>room (4)</b> 452:7,9;454:4; 463:11 <b>rule (1)</b> 475:10 <b>ruling (1)</b> 398:1 <b>run (4)</b> 456:1;458:5,6,8 <b>running (10)</b> 419:3;454:15,20, 21;459:1;461:10; 464:22;465:12; 466:9;467:8	418:12;432:14; 433:2;435:17; 442:14,15,20,22; 473:23 <b>Samsung (5)</b> 411:23;412:2; 413:23;418:10; 421:22 <b>Sara (1)</b> 395:10 <b>saved (1)</b> 441:13 <b>saw (7)</b> 447:17;454:9,15, 24;465:2,16;470:19 <b>saying (2)</b> 404:20;453:5 <b>scared (3)</b> 448:14;449:1; 465:20 <b>scene (5)</b> 410:11,12;411:9; 421:4;422:4 <b>scheduling (1)</b> 477:21 <b>school (4)</b> 428:23,24; 434:16;459:21 <b>scope (6)</b> 422:22;423:4; 424:13;425:11; 426:24;473:5 <b>scratches (1)</b> 415:15 <b>SE (1)</b> 428:19 <b>seat (1)</b> 450:23 <b>second (6)</b> 417:3;449:2; 465:3;471:5; 474:19;477:16 <b>section (3)</b> 400:15;406:21,22 <b>security (2)</b> 418:20;428:20 <b>seeing (1)</b> 447:18 <b>seemed (1)</b> 447:20 <b>segue (1)</b> 466:7 <b>self (1)</b> 444:7 <b>semipro (1)</b> 459:14 <b>send (1)</b> 435:23 <b>sense (3)</b> 395:24;423:7; 465:14 <b>sent (1)</b> 439:16	<b>sentenced (1)</b> 443:20 <b>September (1)</b> 400:21 <b>sergeant (15)</b> 400:6,8,8,9,11,16; 404:2;409:12,12; 410:13;434:23; 436:11;438:15,16; 440:2 <b>serve (1)</b> 401:3 <b>service (3)</b> 414:12;431:14; 444:22 <b>settle (2)</b> 475:3;476:19 <b>settled (2)</b> 474:3;476:21 <b>settles (1)</b> 475:3 <b>several (1)</b> 403:14 <b>shadows (1)</b> 445:14 <b>shape (3)</b> 458:17,19,22 <b>share (1)</b> 468:10 <b>Sharice (1)</b> 397:24 <b>sheet (1)</b> 425:8 <b>shirts (1)</b> 403:7 <b>shoot (7)</b> 447:3;457:21,24, 24;465:18;467:11, 17 <b>shooting (5)</b> 409:6,19;410:4; 411:8;450:8 <b>short (1)</b> 440:10 <b>shorthand (2)</b> 479:7,10 <b>shortly (1)</b> 395:15 <b>shot (11)</b> 397:5;420:4; 443:17;447:8,12,16, 24;448:3;456:12; 465:4;468:7 <b>shots (3)</b> 448:1,24;468:2 <b>show (8)</b> 420:19;421:20, 22;443:7;453:19; 454:2;465:24; 466:21 <b>showed (1)</b> 419:1 <b>showing (1)</b>	396:12 <b>shows (1)</b> 420:9 <b>side (8)</b> 454:11,21,24; 464:7,10;465:1,15; 469:17 <b>sign (1)</b> 438:18 <b>significant (2)</b> 445:19;450:15 <b>significantly (1)</b> 444:22 <b>similar (2)</b> 418:13;465:6 <b>simple (2)</b> 431:1;432:21 <b>Simply (1)</b> 413:3 <b>sister (1)</b> 428:14 <b>sit (1)</b> 428:3 <b>situation (1)</b> 447:22 <b>situations (1)</b> 457:2 <b>Six (1)</b> 431:3 <b>size (1)</b> 445:19 <b>skill-set (5)</b> 402:20,23; 403:15;405:20; 407:2 <b>slaps (1)</b> 466:17 <b>Sledge (1)</b> 455:14 <b>slow (2)</b> 454:6;466:22 <b>small (1)</b> 463:12 <b>snow (1)</b> 416:19 <b>soccer (3)</b> 459:6,8,22 <b>solid (2)</b> 405:8,10 <b>somebody (1)</b> 466:17 <b>somebody's (1)</b> 441:13 <b>someone (4)</b> 421:17;455:23; 474:7,21 <b>Sometimes (4)</b> 403:7;436:22; 447:4;459:4 <b>somewhere (1)</b> 460:21 <b>son (2)</b> 430:3;459:2	<b>son's (1)</b> 430:2 <b>sorry (6)</b> 413:24;414:15; 417:6,13;448:9; 469:15 <b>south (9)</b> 397:7;410:6; 412:5,18;414:3; 419:23;421:11,15; 424:22 <b>special (13)</b> 441:6,24;442:4,7, 8,13,19,22;444:11, 20;445:3,9;472:21 <b>specific (5)</b> 401:4;408:24; 438:1;448:21;450:7 <b>specifically (9)</b> 401:5;410:18; 412:1;435:11; 436:7,14;438:1; 446:17;450:5 <b>Speculation (1)</b> 469:4 <b>spell (3)</b> 399:5;408:4; 427:20 <b>split (1)</b> 465:3 <b>spot (1)</b> 450:15 <b>Sprint (1)</b> 416:4 <b>SS (1)</b> 479: <b>stand (2)</b> 453:19;465:23 <b>standing (1)</b> 456:1 <b>stands (1)</b> 471:19 <b>Staples (1)</b> 429:11 <b>Star (1)</b> 408:7 <b>started (1)</b> 465:4 <b>starting (1)</b> 395:6 <b>State (8)</b> 397:13;399:5; 408:4;420:15; 421:22;427:20; 461:18;479:1 <b>statement (4)</b> 470:21;471:1,15, 21 <b>statements (1)</b> 470:23 <b>State's (1)</b> 426:22 <b>stay (1)</b>
<b>S</b>				
<b>sadness (1)</b> 468:17 <b>Safe (1)</b> 400:11 <b>safety (2)</b> 444:7,23 <b>same (9)</b>				

455:24 <b>step (2)</b> 466:24;472:14 <b>steps (3)</b> 415:3;417:16; 424:7 <b>still (4)</b> 402:1;424:7; 453:4;454:14 <b>stop (8)</b> 430:14;456:16, 17:457:20,20,20,20; 470:19 <b>stopped (3)</b> 464:21,22;465:14 <b>stops (1)</b> 455:2 <b>strategies (1)</b> 476:10 <b>street (3)</b> 433:6,13;448:5 <b>strength (2)</b> 460:9,14 <b>strike (1)</b> 417:2 <b>stuff (2)</b> 431:4,5 <b>subject (1)</b> 462:23 <b>submitted (3)</b> 406:18,20;472:5 <b>subscriber (2)</b> 417:11,18 <b>substance (1)</b> 431:24 <b>sued (2)</b> 473:2,21 <b>suit (2)</b> 419:6;448:10 <b>summary (2)</b> 437:20;443:14 <b>super (1)</b> 446:21 <b>SUPERINTENDENT (15)</b> 394:13;395:7,9, 11;396:1;398:9,10, 12;417:9,16; 443:23;444:16; 445:11;452:8;478:2 <b>Superintendent's (1)</b> 441:5 <b>supervise (1)</b> 404:21 <b>supervised (3)</b> 402:3,4;404:6 <b>supervisor (10)</b> 400:14;404:3,5; 410:13;438:12,14, 18;439:16,17;440:2 <b>supervisors (5)</b> 403:6,13,14; 472:2,5 <b>supervisor's (1)</b>	439:2 <b>sure (4)</b> 421:16;423:19; 455:6;459:17 <b>survived (1)</b> 470:8 <b>suspect (1)</b> 472:17 <b>suspended (1)</b> 478:12 <b>Sustained (3)</b> 417:4;425:12; 427:1 <b>swapped (1)</b> 396:5 <b>sworn (7)</b> 398:20,23; 407:16,19;427:10, 13;479:5  <b>T</b>  <b>table (1)</b> 402:24 <b>tact (1)</b> 403:18 <b>tactical (22)</b> 400:4,8,20; 401:18;402:6; 433:20;434:1,9,12, 20;435:3,18,24; 436:18;437:2,16; 438:5;439:15; 440:2,5;456:18; 472:13 <b>tactics (7)</b> 435:11,16,17,23; 436:8;439:19; 455:10 <b>talk (4)</b> 430:6,14;439:18; 458:13 <b>talked (1)</b> 476:12 <b>talking (6)</b> 405:9;434:15; 437:15;447:7; 448:6;461:13 <b>target (1)</b> 466:19 <b>task (2)</b> 400:13,14 <b>taught (2)</b> 436:12;467:15 <b>teach (1)</b> 433:11 <b>Team (18)</b> 400:12,17; 401:18;403:4,5,7,8, 12;405:11;406:7; 409:2,11;434:23; 435:12;443:18; 447:11,15;459:11	<b>teammates (1)</b> 448:16 <b>teams (4)</b> 402:22;403:18; 404:10;459:12 <b>tech (2)</b> 422:19;424:24 <b>technician (1)</b> 416:5 <b>telephone (4)</b> 412:2,20;413:23; 418:10 <b>ten (2)</b> 404:19,23 <b>tender (2)</b> 413:12;470:13 <b>tendered (1)</b> 397:20 <b>ten-year (1)</b> 440:15 <b>term (1)</b> 458:8 <b>terms (3)</b> 402:20;463:17; 477:20 <b>TERNAND (30)</b> 394:;395:3,18,18; 401:15,17;409:20; 410:15;412:6,19; 419:5;420:3; 427:11,19,21;438:4; 439:18;442:17; 444:4;448:3;450:6; 451:1;453:19; 455:21;456:10; 457:14;470:18; 471:13;474:20,22 <b>T-E-R-N-A-N-D (2)</b> 395:19;427:21 <b>Ternand's (2)</b> 397:14;452:22 <b>terrible (4)</b> 468:17,24;469:1; 470:10 <b>testified (9)</b> 398:23;403:24; 407:19;419:20,22; 427:13;435:15; 450:11;470:18 <b>testify (3)</b> 435:7,9;478:1 <b>testimony (7)</b> 430:6;433:17; 436:14;450:14; 458:10;460:23; 461:16 <b>Thanks (5)</b> 407:24;419:13; 426:16;432:4; 471:24 <b>thereafter (2)</b> 431:16;432:13 <b>Thompson (45)</b>	395:14;427:16, 18;432:3,12; 440:24;442:23; 443:6;449:2,5,24; 450:4,12,20,21; 451:5;452:12,19; 453:1,8,12,13; 454:1,7,10;469:9, 12,14;470:12;471:5, 8,10,24;472:3; 473:4,17,23;474:18; 475:1,7;477:2,4,7, 13;478:6 <b>T-H-O-M-P-S-O-N (1)</b> 395:14 <b>Thompson427-470 (1)</b> 394:9 <b>though (1)</b> 463:17 <b>thought (7)</b> 463:23;464:1,11; 465:17,20;469:7,16 <b>thousand (2)</b> 404:9,11 <b>threat (1)</b> 467:17 <b>three (5)</b> 458:24;459:4; 461:2;467:11;475:1 <b>throws (1)</b> 456:23 <b>Tim (1)</b> 395:12 <b>times (9)</b> 436:22;448:2; 457:10,19;458:7; 459:2;467:4,11,21 <b>today (6)</b> 395:2;428:3; 442:6;477:12,13; 478:12 <b>together (1)</b> 403:11 <b>told (6)</b> 426:6,10,13; 456:15;476:13,18 <b>tomorrow (1)</b> 407:7 <b>took (5)</b> 410:5;417:16; 462:21;472:14; 473:11 <b>top (2)</b> 404:19,23 <b>topic (1)</b> 468:4 <b>touching (1)</b> 401:8 <b>touchscreen (2)</b> 415:19,22 <b>towards (6)</b> 405:3;454:6; 465:4,17;466:16;	471:20 <b>tragic (2)</b> 469:1;470:10 <b>train (3)</b> 432:14,18;467:19 <b>training (15)</b> 401:4,5;430:16, 19;431:8;434:11,15, 17,19,19,24;435:23; 436:4;437:3,9 <b>transcript (3)</b> 397:24;398:2; 479:9 <b>transcripts (1)</b> 397:21 <b>transition (1)</b> 434:20 <b>transitioned (2)</b> 434:8;437:1 <b>transmissions (1)</b> 397:22 <b>transpired (1)</b> 410:14 <b>tree (10)</b> 420:1,10,21; 463:7,16,20;464:2, 4,5,10 <b>tried (3)</b> 458:24;459:3; 466:23 <b>trigger (1)</b> 467:3 <b>Triton (1)</b> 429:5 <b>true (3)</b> 405:19;431:18; 479:9 <b>true-and-accurate (1)</b> 443:10 <b>trust (3)</b> 403:1,9;448:16 <b>truth (3)</b> 406:6,7,9 <b>truthfulness (3)</b> 405:23;406:1,3 <b>try (2)</b> 407:5;450:10 <b>trying (1)</b> 431:22 <b>tuck (1)</b> 455:1 <b>tunnel (1)</b> 464:7 <b>turn (1)</b> 411:6 <b>turned (1)</b> 467:1 <b>turning (3)</b> 465:4,17;466:16 <b>twice (1)</b> 453:6 <b>Two (8)</b> 441:6,24;442:4,
--	---	--	--	--

13,19,22;472:21; 474:21 <b>two-foot (1)</b> 460:20 <b>type (5)</b> 406:23;437:9; 438:7;458:4;468:17 <b>types (1)</b> 438:20	<b>value (1)</b> 411:19 <b>variations (1)</b> 456:16 <b>vehicle (4)</b> 419:6;455:2,14; 456:4 <b>verbal (1)</b> 456:13 <b>version (1)</b> 453:7 <b>versus (1)</b> 446:19 <b>video (3)</b> 418:17,23;419:10 <b>violation (1)</b> 475:10 <b>violence (2)</b> 434:4,6 <b>violent (5)</b> 408:9,16;445:23; 446:11,14 <b>visible (2)</b> 420:1;422:10 <b>vision (1)</b> 464:8 <b>voice (1)</b> 408:3 <b>volunteer (1)</b> 409:17	<b>weight (1)</b> 475:16 <b>weren't (1)</b> 462:2 <b>West (1)</b> 428:24 <b>westbound (1)</b> 449:20 <b>WHALEY (2)</b> 395:10,10 <b>W-H-A-L-E-Y (1)</b> 395:10 <b>what's (11)</b> 406:8;412:21; 418:7;420:8;430:2; 438:13;441:17; 442:3;443:1; 444:10;447:14 <b>WHEREUPON (2)</b> 398:11;478:13 <b>white (1)</b> 403:6 <b>whole (1)</b> 469:1 <b>wife (1)</b> 429:20 <b>winded (3)</b> 458:14;460:4,5 <b>wish (6)</b> 468:18,24;470:6, 7,7,8 <b>withdraw (2)</b> 396:24;432:1 <b>Within (4)</b> 404:4,19;418:16; 441:22 <b>without (3)</b> 404:19;424:17,17 <b>Witness (19)</b> 398:19,22; 406:17;407:14,15, 18,21;414:3;427:7, 9,12;443:2;451:9, 15;454:5,8;470:13; 473:24;477:10 <b>WITNESSES (3)</b> 394:;477:11,13 <b>woman (1)</b> 419:1 <b>WOOD (72)</b> 395:1,4,16,20; 396:3;398:3,6,8,16; 399:1;407:13,23; 412:10;413:17,24; 414:4,16;417:4; 418:2;419:15; 422:13,23;423:3,13, 16,22;424:6,12,19; 425:12,23;427:1,3, 5,15;432:2,9; 440:23;442:24; 443:5;449:4;450:1, 9,17;451:11;452:3,	6,20;453:4,9,23; 454:3;469:5,11; 470:14;473:16,18; 474:8,12,17,24; 475:5,11;477:1,3,5, 8,11,15,19;478:8,11 <b>WOODMAN (1)</b> 479:4 <b>WOODMANCSR (1)</b> 479: <b>word (3)</b> 402:14;411:19; 462:8 <b>words (5)</b> 445:17;449:19; 451:7;456:9;464:19 <b>work (10)</b> 402:9,11;403:4, 11;405:21,21; 406:23;409:10; 441:22;448:13 <b>worked (11)</b> 400:3,7,16,19; 401:17;402:5; 404:12;408:15; 429:11;446:8,19 <b>working (4)</b> 400:13;402:22; 406:5;429:10 <b>works (5)</b> 403:12;405:12; 428:17,18,19 <b>world (3)</b> 406:13;447:2; 455:20 <b>worried (1)</b> 456:11 <b>worst (4)</b> 446:14,15; 468:15;469:22 <b>write (2)</b> 432:10;438:7	462:24;463:7 <b>0</b> <b>084.002740 (1)</b> 479:16 <b>1</b> <b>1 (6)</b> 394:14;396:3,9; 398:4,8,13 <b>10 (5)</b> 396:4;397:21; 398:5,9,13 <b>10:00 (2)</b> 477:24;478:16 <b>10398 (1)</b> 394:14 <b>11 (2)</b> 407:6;439:12 <b>11th (5)</b> 399:14;401:3; 402:10,11;446:20 <b>12 (1)</b> 408:18 <b>12:45 (1)</b> 478:14 <b>124 (1)</b> 440:16 <b>13th (1)</b> 477:23 <b>15 (3)</b> 471:4,9,14 <b>15th (1)</b> 400:6 <b>17 (2)</b> 395:4;443:3 <b>1991 (4)</b> 399:17;400:1; 403:23;404:13 <b>1998 (5)</b> 400:5;404:3,5,13; 415:21 <b>1st (1)</b> 400:22 <b>2</b> <b>2 (2)</b> 396:12;420:8 <b>2000 (1)</b> 404:22 <b>2002 (2)</b> 408:14;429:2 <b>2007 (3)</b> 429:19;430:12; 433:2 <b>2008 (1)</b> 469:15 <b>2012 (19)</b> 400:17,22; 401:17,21;402:5;
<b>U</b>	<b>W</b>		<b>Y</b>	
<b>ultimate (2)</b> 425:19;445:8 <b>Um (1)</b> 409:21 <b>unable (1)</b> 416:14 <b>uniform (2)</b> 431:2;453:16 <b>unique (2)</b> 402:18,23 <b>University (1)</b> 428:18 <b>unmarked (1)</b> 419:6 <b>Unmic (1)</b> 477:8 <b>unring (1)</b> 475:8 <b>unusual (1)</b> 402:18 <b>up (20)</b> 402:5;415:24; 416:2,8;421:20; 427:6;428:10,11; 448:10;453:19; 457:18,23;458:1; 459:24;465:23; 466:12;467:2; 470:3;471:19;473:7 <b>upon (2)</b> 426:21;451:24 <b>UPS (1)</b> 429:10 <b>upstanding (1)</b> 405:13 <b>use (11)</b> 396:22,23; 402:14;413:2; 431:9;435:2;436:5; 449:12;453:22; 463:20;467:16 <b>used (2)</b> 439:19;462:8 <b>usually (1)</b> 438:16	<b>waistband (1)</b> 471:21 <b>waiting (2)</b> 455:18;466:20 <b>waiving (2)</b> 424:17,17 <b>walking (1)</b> 419:2 <b>warehouse (1)</b> 429:11 <b>watch (2)</b> 400:19;440:3 <b>water (1)</b> 416:19 <b>wave (1)</b> 452:10 <b>way (7)</b> 422:5;447:17; 451:15,16,17; 461:21;476:14 <b>weapon (6)</b> 397:14;431:14; 460:17;466:8; 467:16,20 <b>wear (2)</b> 403:6;431:2 <b>wearing (1)</b> 452:14 <b>week (1)</b> 459:3			
<b>V</b>				
<b>Valor (4)</b> 441:6,23;444:1; 445:10				

408:20;418:14; 428:7;435:13; 436:9;445:24; 448:21;449:10; 457:14;458:16; 460:13;468:6; 469:16,19	448:3;456:19	441:11		
<b>2013 (1)</b> 471:7	<b>4</b>	<b>8th (10)</b> 428:7;435:12; 436:8;449:10; 457:14;458:16; 460:13;468:6; 469:16,19		
<b>2014 (3)</b> 401:6;471:2,22	<b>4 (9)</b> 396:6,18,22,24; 397:1,19;429:19; 443:8,11			
<b>2015 (1)</b> 400:23	<b>400 (1)</b> 447:1	<b>9</b>		
<b>2016 (1)</b> 401:2	<b>42 (5)</b> 412:14;413:5,14; 419:21;420:12	<b>9 (2)</b> 397:15,20		
<b>2017 (1)</b> 443:4	<b>43 (2)</b> 413:9;418:8	<b>911 (1)</b> 397:24		
<b>2018 (3)</b> 477:23,24;478:16	<b>44 (4)</b> 418:8;421:21; 425:2,15			
<b>205 (1)</b> 418:21	<b>45 (2)</b> 418:8;432:22			
<b>20807 (1)</b> 408:7	<b>46 (1)</b> 418:8			
<b>21 (1)</b> 432:22	<b>5</b>			
<b>22nd (2)</b> 477:24;478:15	<b>5 (2)</b> 397:3;444:10			
<b>24 (1)</b> 471:7	<b>5th (4)</b> 401:1;402:8,9; 446:19			
<b>24th (2)</b> 471:2,22				
<b>25 (1)</b> 443:20	<b>6</b>			
<b>25th (1)</b> 408:14	<b>6 (2)</b> 397:6;441:15			
<b>26 (1)</b> 399:20	<b>6719 (1)</b> 420:22			
<b>27 (3)</b> 399:17,21,22	<b>6721 (6)</b> 420:20,24; 421:11,15;424:22; 426:6			
<b>28 (1)</b> 428:8	<b>6725 (4)</b> 412:5;414:3; 419:23;420:7			
<b>29 (1)</b> 410:19	<b>6727 (1)</b> 410:6			
<b>2940 (1)</b> 395:4	<b>67th (1)</b> 448:5			
<b>3</b>				
<b>3 (2)</b> 396:15;444:10	<b>7</b>			
<b>34 (1)</b> 428:5	<b>7 (1)</b> 397:9			
<b>35 (1)</b> 419:9	<b>75 (1)</b> 432:22			
<b>3rd (27)</b> 400:19,21; 401:16;402:6; 433:4,6;434:10; 435:3,18,24;436:18; 437:1,16;438:4; 439:14;440:1,5; 445:13,16,18;446:2, 11,13,18;447:16;	<b>7th (1)</b> 400:3			
	<b>8</b>			
	<b>8 (5)</b> 397:12;401:20; 408:19;418:13;			